



## **EXHIBITS**

**Proceeding/Serial No: 91162370**

**Filed: 01-14-2009**

**Title: Opposer's Submission of Testimony and Exhibits**

**Document contains various unscannable exhibits marked "8, 13, 14, 16, 18-22, 25-43, 44, 88, and 89."**



TTAB

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January 14, 2009

VIA UNITED STATES POSTAL SERVICE  
EXPRESS MAIL NO. EO 956 326 949 US

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

# 73245219

Re: Consolidated Opposition No. 91162370  
De Boulle Diamond & Jewelry, Inc. v. De Beers LV Ltd.

Dear Sir/Madam:

I enclose the following for filing in the above-referenced Proceeding:

- (a) Opposer's Submission of Testimony and Exhibits; and
- (b) Opposer's Notice of Filing of Testimony and Exhibits.

Please do not hesitate to contact me if you have any questions in this regard.

Very truly yours,

Pieter Tredoux

cc: Dennis Griggs, Esq.

Darrell Saunders, Esq.  
Hiscock & Barclay LLP  
Seven Times Square  
New York, NY 10036

VIA UNITED STATES FIRST CLASS PRIORITY MAIL



01-14-2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DE BOULLE DIAMOND & JEWELRY, INC.,

Opposer,

v.

DE BEERS LV LTD.,

Applicant.

Consolidated Opposition No.: 91162370

Opposition No.'s: 91162370

91162469

91164615

91165285

91165465

**OPPOSER'S SUBMISSION OF TESTIMONY AND EXHIBITS**

Opposer, DE BOULLE DIAMOND & JEWELRY, INC., hereby submits the following Testimony and Exhibits in connection with the trial of this Proceeding Trademark Rule 2.122(a), 37 C.F.R. § 2.122(a), the Federal Rules of Evidence, and the Federal Rules of Civil Procedure:

1. Oral Testimony of Denis J Boulle, taken in this Proceeding on July 9, 2008:
  - (a) Appearances;
  - (b) Testimony Pages 1 through 156;
  - (c) Testimony Pages 157 through 211 filed under seal pursuant to the Board's Standard Protective Order;
  - (d) Signature page; and
  - (e) Court Reporter's Certificate.
2. Exhibits to the Oral Testimony of Denis J Boulle, taken in this Proceeding

on July 9, 2008:

- (a) Exhibits 1 through 45;
- (b) Exhibits 46 through 87 filed under seal pursuant to the Board's Standard Protective Order; and
- (c) Exhibits 88 through 89.

This the 14<sup>th</sup> day of January 2009.

Respectfully submitted,



---

Dennis T. Griggs  
Texas State Bar No. 08488500  
Griggs Bergen LLP  
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and

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New York, New York 10022  
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212-308-2500 – [telecopier]

CO-COUNSEL FOR OPPOSER

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing Opposer's Submission of Testimony and Exhibits was deposited with the United States Postal Service, Express Mail, on January 14, 2009 addressed to

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dated: Dallas, Texas  
January 14, 2009

EXPRESS MAIL NO. EO 956 326 949 US



Pieter J. Tredoux

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing document upon counsel of record by mailing a true copy thereof, through the United States First Class Priority Mail, postage prepaid, postage prepaid, on this the 14 day of January, 2009, and addressed as follows:

Darrell Saunders, Esq.  
Mark Peroff, II, Esq.  
Hiscock & Barclay LLP  
Seven Times Square  
New York, NY 10036

  
\_\_\_\_\_  
Pieter J. Tredoux

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January 14, 2009

*Priority Mail*  
~~VIA HAND DELIVERY~~

Mark I. Peroff, Esq.  
Darren E Saunders, Esq.  
Hiscock & Barclay LLP  
Seven Times Square  
New York, NY 10036

Re: Consolidated Opposition No. 91162370  
De Boulle Diamond & Jewelry, Inc. v. De Beers LV Ltd.

Gentlemen:

I enclose the following filed in the above-referenced Proceeding today:

- (a) Opposer's Submission of Testimony and Exhibits; and
- (b) Opposer's Notice of Filing of Testimony and Exhibits.

Please do not hesitate to contact me if you have any questions in this regard.

Very truly yours,

  
Pieter Tredoux

cc: Dennis Griggs, Esq.

✓ Trademark Trial and Appeal Board  
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DE BEERS LV LTD.,

Applicant.

Consolidated Opposition No.: 91162370

Opposition No.'s: 91162370

91162469

91164615

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**NOTICE OF FILING OF TESTIMONY AND EXHIBITS**

Please take notice that Opposer, DE BOULLE DIAMOND & JEWELRY, INC., has filed this 14th day of January 2009 the following Testimony and Exhibits in this Proceeding in accordance with Trademark Rule 2.122(a), 37 C.F.R. § 2.122(a), the Federal Rules of Evidence, and the Federal Rules of Civil Procedure:

1. Oral Testimony of Denis J Boulle, taken in this Proceeding on July 9, 2008:
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This the 14<sup>th</sup> day of January 2009.

Respectfully submitted,



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Suite 1700  
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212-308-3500 – [telephone]  
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CO-COUNSEL FOR OPPOSER

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Darrell Saunders, Esq.  
Hiscock & Barclay LLP  
Seven Times Square  
New York, NY 10036

  
\_\_\_\_\_  
Pieter J. Tredoux

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January 14, 2009

EXPRESS MAIL NO. EO 956 326 949 US

  
\_\_\_\_\_  
Pieter J. Tredoux

APPENDIX

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DE BOULLE DIAMOND & JEWELRY, INC.,	
Opposer,	Consolidated Opposition No.: 91162370
v.	Opposition No.'s: 91162370
DE BEERS LV LTD.,	91162469
	91164615
Applicant.	91165285
	91165465

TABLE OF EXHIBITS

<u>Exhibit Number</u>	<u>Description</u>	<u>Designation<sup>1</sup></u>
1	US Patent and Trademark Office Trademark Service Mark, No 3,078,627, dated 4/11/06	
2	US Patent and Trademark Office Trademark Service Mark, No 3,078,625, dated 4/11/06	
3	US Patent and Trademark Office Trademark Electronic Search System (TESS) screen printout	
4	Photograph of storefront	
5	Photograph of announcement sign	
6	Photograph of jewelry display	
7	Google map	
8	Stickers	
9	Tissue and sticker	
10	Wrapped gift box	
11	Earrings in gift box	

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<sup>1</sup> Pursuant to the Board's Standing Protective Order

<u>Exhibit Number</u>	<u>Description</u>	<u>Designation</u>
12	Tissue and sticker	
13	Tissue	
14	Gift box	
15	Printout of de Boulle website	
16	Folder	
17	Business card of Denis J Boulle	
18	Invitation	
19	Invitation	
20	Blank note card	
21	Plastic bag	
22	Advertising supplement to Dallas Morning News	
23	Advertisement in The Wall Street Journal	
24	Advertisement in The Dallas Morning News	
25	Gold brochure packaging	
26	Wish List (brochure)	
27	Black cardboard box, gift catalog (cards)	
28	Unopened gift catalog (cards)	
29	Advertising wrap on D Magazine	
30	Advertisement in D Magazine	
31	Advertisement in People etc	
32	Advertisement in D Home and Garden	
33	Advertisement in Where Dallas	
34	Sales catalog	
35	Sales catalog	
36	Sales catalog	
37	Gold metal box (card catalog)	
38	Sales catalog	
39	Sales catalog	
40	Sales catalog	
41	Sales catalog	
42	Auction flag	
43	Invitation	
44	Invitation	
45	Invoice dated 5/4/01, Bates No DB 00772	

<u>Exhibit Number</u>	<u>Description</u>	<u>Designation</u>
46	Daily Shipment Detail Report dated 5/4/01, Bates No DB 00773	Trade Secret- Commercially Sensitive
47	Invoice dated 6/5/01, Bates No DB 00764	Trade Secret- Commercially Sensitive
48	Daily Shipment Detail Report dated 6/5/01, Bates No DB 00765	Trade Secret- Commercially Sensitive
49	Invoice dated 6/15/01, Bates No DB 00770	Trade Secret- Commercially Sensitive
50	Daily Shipment Detail Report dated 6/15/01, Bates No DB 00771	Trade Secret- Commercially Sensitive
51	Invoice dated 7/27/01, Bates No DB 00766	Trade Secret- Commercially Sensitive
52	Daily Shipment Detail Report dated 11/14/01, Bates No DB 00767	Trade Secret- Commercially Sensitive
53	Invoice dated 10/20/01, Bates No DB 00768	Trade Secret- Commercially Sensitive
54	Daily Shipment Detail Report dated 10/22/01, Bates No DB 00769	Trade Secret- Commercially Sensitive
55	Invoice dated 9/23/02, Bates No DB 00774	Trade Secret- Commercially Sensitive
56	Daily Shipment Detail Report dated 9/16/02, Bates No DB 00775	Trade Secret- Commercially Sensitive
57	Invoice dated 12/17/02, Bates No DB 00776	Trade Secret- Commercially Sensitive
58	Daily Shipment Detail Report dated 12/19/02, Bates No DB 00777	Trade Secret- Commercially Sensitive

<u>Exhibit Number</u>	<u>Description</u>	<u>Designation</u>
59	Invoice dated 7/16/03, Bates No DB 00778	Trade Secret- Commercially Sensitive
60	Daily Shipment Detail Report dated 7/16/03, Bates No DB 00779	Trade Secret- Commercially Sensitive
61	Memo dated 10/26/04, Bates No DB 00786	Trade Secret- Commercially Sensitive
62	Daily Shipment Detail Report dated 10/26/04, Bates No DB 00787	Trade Secret- Commercially Sensitive
63	Invoice dated 11/29/04, Bates No DB 00780	Trade Secret- Commercially Sensitive
64	Daily Shipment Detail Report dated 12/16/04, Bates No DB 00788	Trade Secret- Commercially Sensitive
65	Invoice dated 3/19/05, Bates No DB 00781	Trade Secret- Commercially Sensitive
66	Daily Shipment Detail Report dated 3/22/05, Bates No DB 00782	Trade Secret- Commercially Sensitive
67	Invoice dated 3/31/05, Bates No DB 00789	Trade Secret- Commercially Sensitive
68	Daily Shipment Detail Report dated 3/28/05, Bates No DB 00791	Trade Secret- Commercially Sensitive

<u>Exhibit Number</u>	<u>Description</u>	<u>Designation</u>
69	Invoice dated 9/14/06, Bates No DB 00784	Trade Secret- Commercially Sensitive
70	Invoice dated 11/27/06, Bates No DB 00783	Trade Secret- Commercially Sensitive
71	Shipping Form dated 1/17/07, Bates No DB 00798	Trade Secret- Commercially Sensitive
72	FedEx Express Courier Report dated 1/17/07, Bates No DB 00797	Trade Secret- Commercially Sensitive
73	Invoice dated 9/17/07, Bates No DB 00794	Trade Secret- Commercially Sensitive
74	Daily Shipment Detail Report dated 5/31/07, Bates No DB 00793	Trade Secret- Commercially Sensitive
75	Invoice dated 5/31/07, Bates No DB 00792	Trade Secret- Commercially Sensitive
76	Daily Shipment Detail Report dated 9/17/07, Bates No DB 00795	Trade Secret- Commercially Sensitive
77	Invoice dated 2/9/08, Bates No DB 00785	Trade Secret- Commercially Sensitive
78	Daily Shipment Detail Report dated 2/12/08, Bates No DB 00796	Trade Secret- Commercially Sensitive

<u>Exhibit Number</u>	<u>Description</u>	<u>Designation</u>
79	Income Statement for the 12 Periods Ended 12/31/01, Bates Nos DB 00735 - 00738	Trade Secret- Commercially Sensitive
80	Income Statement for the 12 Periods Ended 12/31/02, Bates Nos DB 00739 - 00742	Trade Secret- Commercially Sensitive
81	Income Statement for the 12 Periods Ended 12/31/03, Bates Nos DB 00742A - 00745	Trade Secret- Commercially Sensitive
82	Income Statement for Period 12 Ending 12/31/04, Bates Nos DB 00746 - 00750	Trade Secret- Commercially Sensitive
83	Income Statement for Period 12 Ending 12/31/05, Bates Nos DB 00751 - 00753	Trade Secret- Commercially Sensitive
84	Income Statement for Period 12 Ending 12/31/06, Bates Nos DB 00754 - 00756	Trade Secret- Commercially Sensitive
85	Income Statement for Period 12 Ending 12/31/07, Bates Nos DB 00757 - 00759	Trade Secret- Commercially Sensitive
86	Income Statement for Period 6 Ending 6/30/08, Bates Nos DB 00760 - 00762	Trade Secret- Commercially Sensitive
87	Customer List - Summary Data, Bates No DB 00763	Trade Secret- Commercially Sensitive
88	Blank repair slip	
89	Consignment agreement form	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DE BOULLE DIAMOND &  
JEWELRY, INC.,

Opposer,

VS.

DE BEERS LV, LTD.,

Applicant.

) Consolidated Opposition  
No.: 91162370

) Opposition Nos.:  
91162370  
91162469  
91164615  
91165285  
91165465

-----  
ORAL TESTIMONY OF  
DENIS JOSEPH BOULLE  
JULY 9, 2008

VOLUME 1 OF 2, PAGES 1-156  
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ORIGINAL

ORAL TESTIMONY OF DENIS JOSEPH BOULLE, produced as a  
witness at the instance of the opposer, and duly sworn,  
was taken in the above-styled and numbered cause on the  
9th day of July, 2008, from 10:14 a.m. to 4:39 p.m.,  
before Julia E. Whaley, CSR, CRR, RMR, and Notary Public  
in and for the State of Texas, reported by machine  
shorthand, at the law offices of Griggs Bergen, L.L.P.,  
17950 Preston Road, Suite 1000, Dallas, Texas.

## A P P E A R A N C E S

## FOR THE OPPOSER:

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and MR. PIETER TREDOUX  
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1 DENIS JOSEPH BOULLE,  
2 having been first duly sworn, testified as follows:

3 EXAMINATION

10:14:52 4 BY MR. GRIGGS:

10:14:52 5 Q. Good morning, Mr. Boulle.

10:14:53 6 A. Good morning.

10:14:54 7 Q. I'm Dennis Griggs, and I'm representing your  
10:14:58 8 company today, the opposer. And would you state your  
10:15:06 9 name for the record.

10:15:07 10 A. Denis Boulle, B-o-u-l-l-e.

10:15:11 11 Q. And what's your middle name?

10:15:12 12 A. Joseph.

10:15:13 13 Q. Okay. And what's your business address?

10:15:15 14 A. 6821 Preston Road, Dallas, 75 -- Dallas, Texas,  
10:15:23 15 75205.

10:15:24 16 Q. Okay. And what's the name of your company?

10:15:27 17 A. de Boulle, de Boulle Diamond and Jewelry.

10:15:30 18 Q. And is that a Texas corporation?

10:15:32 19 A. That's correct.

10:15:32 20 Q. You're incorporated?

10:15:33 21 A. Yes, it is.

10:15:34 22 Q. And what state?

10:15:35 23 A. In Texas.

10:15:36 24 Q. And what's your position?

10:15:37 25 A. I am the CEO/owner.

10:15:44 1 Q. Okay. When did you start your business?

10:15:48 2 A. In 1983.

10:15:50 3 Q. And how many employees did you have at that

10:15:55 4 time?

10:15:55 5 A. Myself. My wife was part-time. Three.

10:15:59 6 Q. Okay. And what was the nature of the business,

10:16:03 7 or what was your product, or what were you doing?

10:16:05 8 A. Diamonds was the main business, but -- selling

10:16:08 9 diamonds mostly and then jewelry evolved and watches.

10:16:14 10 Q. Did you have a -- you know what a trademark is?

10:16:16 11 A. Yes.

10:16:16 12 Q. Did you have a trademark at that time?

10:16:18 13 A. Yes.

10:16:18 14 Q. What was it?

10:16:19 15 A. de Boulle.

10:16:20 16 Q. Okay.

10:16:20 17 A. And --

10:16:25 18 Q. Okay. So your original store was started in

10:16:27 19 1983?

10:16:28 20 A. Correct.

10:16:29 21 Q. And what -- where was your original store

10:16:32 22 located?

10:16:33 23 A. We actually started with a company called

10:16:39 24 Quadrant Diamond Council, and it became de Boulle. It

10:16:44 25 was actually in Snider Plaza beside Bubba's.

10:16:46 1 Q. Is that uptown?

10:16:47 2 A. No. Snider Plaza is University Park. So in  
10:16:49 3 the center there like Hillcrest and Lovers.

10:16:52 4 Q. And you continued business there for -- until  
10:16:55 5 when?

10:16:55 6 A. '83 -- about five, six years, and then we moved  
10:17:05 7 onto Preston Road.

10:17:06 8 Q. And that's what you have referred to in the  
10:17:08 9 past as your new store?

10:17:10 10 A. Actually there was another store. I'm sorry.  
10:17:12 11 I'm confusing you. We moved from Snider Plaza to 5550  
10:17:16 12 Preston Road, which is just one block north of  
10:17:19 13 Mockingbird. And then we moved from there in 2001 to the  
10:17:23 14 current location, 6821.

10:17:26 15 Q. Okay. What's the street address of your  
10:17:28 16 current location?

10:17:28 17 A. 6821 Preston Road.

10:17:31 18 Q. And is that -- what city is that?

10:17:33 19 A. That's in Dallas, but it's University Park.

10:17:35 20 Q. All right. And when did the new store open its  
10:17:41 21 doors?

10:17:41 22 A. In 2001 they opened.

10:17:43 23 Q. How many employees do you have now, full-time  
10:17:52 24 employees?

10:17:53 25 A. Twenty-five.

10:17:53 1 Q. What are your current responsibilities, daily  
10:18:00 2 responsibilities?

10:18:00 3 A. I'm really involved with every bit of it, but a  
10:18:02 4 lot of it is management, you know, my key managers. I  
10:18:11 5 meet with them daily to start off with, and then I'm  
10:18:12 6 involved with the marketing, advertising, and then I deal  
10:18:15 7 with the sales, as well, with customers.

10:18:16 8 Q. Can you --

10:18:17 9 A. So I do a bit of everything, overview every  
10:18:20 10 aspect of it.

10:18:20 11 Q. Which one of your employees buys your goods,  
10:18:23 12 your diamonds and jewelry?

10:18:25 13 A. My wife and myself are predominantly the one  
10:18:30 14 who buys the jewelry, and Jeff Bartley, who is the  
10:18:33 15 president, also buys watches mostly.

10:18:35 16 Q. Is there any part of your business that you do  
10:18:38 17 not have daily contact with?

10:18:39 18 A. With manufacturing sometimes I wouldn't have  
10:18:43 19 that or accounting. I meet with my CFO every day. I'm  
10:18:47 20 trying to think. With watch repairs and jewelry repairs  
10:18:50 21 I probably don't have everyday. Inventory most days, but  
10:18:54 22 not everyday. But everything else, I'm involved with.

10:18:59 23 Q. Is -- are you personally a member of any  
10:19:05 24 professional jewelry organization or society?

10:19:08 25 A. Yes.

10:19:09 1 Q. Would you tell us --

10:19:11 2 A. When I say I, the company's involved. American  
10:19:14 3 Watch Guild, GIA, AGS. You know, I'm not sure which,  
10:19:19 4 because a lot of these you have to pay every year. So I  
10:19:21 5 need to ask my CFO.

10:19:23 6 I haven't been asked that question for a long  
10:19:25 7 time. But if I can give you a list later on of the  
10:19:27 8 different organizations, I'll be able to tell you  
10:19:29 9 accurately rather than guess.

10:19:30 10 Q. And can you say now at this time what  
10:19:33 11 organizations your company is a member of?

10:19:36 12 A. That's -- if I can tell you that later a  
10:19:40 13 hundred percent, because there are a lot of different  
10:19:41 14 organizations. But American Watch Guild, I believe GIA,  
10:19:45 15 AGS.

10:19:46 16 Q. What does GIA stand for?

10:19:48 17 A. Gemological Institute of America.

10:19:50 18 Q. What was the other one?

10:19:51 19 A. American Watch Guild.

10:19:53 20 Q. Okay. And so for how many years have you --  
10:20:00 21 experience have you had in buying and selling watches and  
10:20:03 22 jewelry and gems?

10:20:04 23 A. Thirty -- 29 years.

10:20:08 24 Q. Okay. You mentioned that you know what a  
10:20:18 25 trademark is and that you originally started with de

10:20:23 1 Boulle as your trademark?

10:20:24 2 A. That's right.

10:20:25 3 Q. What trademarks do you own now?

10:20:27 4 A. DeB and dB --

10:20:29 5 Q. Okay.

10:20:31 6 A. -- and de Boulle, obviously.

10:20:32 7 Q. All right. And are any of your trademarks

10:20:44 8 registered?

10:20:45 9 A. Yes. I believe so.

10:20:46 10 Q. Okay. I show you a certificate from the U.S.

10:20:50 11 Trademark Office, registration No. 3,078,627, and ask you

10:20:55 12 if you've ever seen this before.

10:20:56 13 A. Yes, I have.

10:21:10 14 Q. I'm tying this as Opposer's Exhibit 1, and it's

10:21:16 15 U.S. trademark registration No. 3,078,627. Can you

10:21:20 16 identify that?

10:21:21 17 A. Yes, I can.

10:21:22 18 (Deposition Exhibit No. 1 marked.)

10:21:22 19 Q. (By Mr. Griggs) And would you read the

10:21:27 20 description of goods on the -- that's down here? It

10:21:33 21 tells what the registration covers.

10:21:35 22 A. Jewelry, diamonds, watches and timepieces in

10:21:39 23 class, retail jewelry store services, blah, blah, blah.

10:21:42 24 Q. Okay. And what else does it list?

10:21:48 25 A. For fine art, paintings, and glass.

10:21:53 1 Q. Okay. And do you sell paintings, fine art  
10:22:00 2 pieces?

10:22:01 3 A. You know, we used to sell more. Now very  
10:22:03 4 little of it. Very little of it.

10:22:04 5 Q. Do you still carry an inventory?

10:22:06 6 A. Very little. So it's something almost we've  
10:22:09 7 phased out.

10:22:10 8 Q. And this last one, what does this say?

10:22:14 9 A. I'm sorry. What?

10:22:15 10 Q. The one that's listed here.

10:22:17 11 A. Okay. It's for retail jewelry store services,  
10:22:19 12 mail order, electronic catalog services featuring jewelry  
10:22:24 13 in class 35.

10:22:25 14 MR. GRIGGS: Would you like to see this?

10:22:25 15 Q. (By Mr. Griggs) Okay. Mr. Boulle, I show you  
10:23:11 16 the attachments to the certificate and ask for you to  
10:23:17 17 read into the record what it says.

10:23:28 18 A. "No assignment has been recorded at the USPTO  
10:23:33 19 for serial number 78444907."

10:23:36 20 Q. Another attachment to the certificate is the  
10:24:20 21 so-called TARR, T-A-R-R, report. I'd ask you to read the  
10:24:24 22 last -- the last line where it starts off, "Live/dead  
10:24:31 23 indicator." What does it indicate?

10:24:34 24 A. "Live."

10:24:35 25 Q. Okay. Thank you. Okay.

10:24:42 1 MR. GRIGGS: I offer this as Opposer's  
10:24:44 2 Exhibit 1.

10:24:51 3 (Deposition Exhibit No. 2 marked.)

10:24:51 4 Q. (By Mr. Griggs) Mr. Boulle, I show you another  
10:25:09 5 trademark registration, certificate No. 3,078,625, and  
10:25:12 6 this is for the trademark de Boulle. Have you seen this  
10:25:18 7 before?

10:25:19 8 A. Yes, I have.

10:25:19 9 Q. And who is the owner?

10:25:22 10 A. I am. The company is de Boulle Diamond and  
10:25:28 11 Jewelry.

10:25:29 12 MR. SAUNDERS: I'm sorry. You can finish  
10:25:31 13 your answer, but then I'd like to see it before he  
10:25:34 14 testifies about it.

10:25:34 15 MR. GRIGGS: Okay.

10:25:44 16 MR. SAUNDERS: I'm going to lodge an  
10:25:45 17 objection on the record to this Exhibit 2 to the extent  
10:25:49 18 it's unpled in any of these consolidated proceedings. We  
10:25:53 19 object to its admissibility and any testimony regarding  
10:25:56 20 it.

10:25:58 21 Q. (By Mr. Griggs) Okay. Thank you. We'll  
10:26:05 22 continue on. Would you read for us for the record what  
10:26:09 23 the goods or the services are recited, and that's -- it's  
10:26:17 24 in three categories. Just read them.

10:26:20 25 A. For jewelry, diamonds, watches and timepieces



10:26:24 1 in class 14, for fine art, namely paintings in class 16,  
10:26:30 2 first use 4. Retail -- I'm sorry.

10:26:33 3 Q. And what was the last one?

10:26:34 4 A. It was paintings in class 16.

10:26:38 5 Q. All right.

10:26:39 6 A. This one here, for retail jewelry store  
10:26:41 7 services, mail order, and electronic catalog services  
10:26:46 8 featuring jewelry in class 35.

10:26:49 9 Q. All right. This is the title certificate that  
10:27:02 10 is attached.

10:27:03 11 A. Yeah.

10:27:04 12 Q. And would you read the heading.

10:27:05 13 A. "Assignments on the Web, trademark query. No  
10:27:10 14 assignment has been recorded at the USPTO."

10:27:12 15 Q. And is that correct, to the best of your  
10:27:18 16 knowledge?

10:27:18 17 A. Yes.

10:27:19 18 Q. Okay. Thank you. This last attachment is the  
10:27:32 19 status portion, and just read the entry next to the  
10:28:01 20 live/dead indicator.

10:28:02 21 A. "Live."

10:28:03 22 Q. Thank you.

10:28:06 23 MR. GRIGGS: Mr. Saunders, would you like  
10:28:07 24 to see it again?

10:28:08 25 MR. SAUNDERS: No, thank you.

10:28:11 1 MR. GRIGGS: We offer this as Opposer's  
10:28:14 2 Exhibit No. 2.

10:28:14 3 (Deposition Exhibit No. 3 was marked.)

10:28:28 4 MR. GRIGGS: Mr. Saunders, I show you  
10:28:30 5 Opposer's Exhibit No. 3.

10:28:33 6 MR. SAUNDERS: Thank you.

10:29:23 7 Q. (By Mr. Griggs) Mr. Boulle, I now show you  
10:29:36 8 Opposer's Exhibit No. 3. Have you seen this record  
10:29:39 9 before?

10:29:40 10 A. Yes, I have.

10:29:40 11 Q. And what is it?

10:29:43 12 A. It's the trademark electronic search system for  
10:29:47 13 the dB mark.

10:29:49 14 Q. Okay. And is your company the owner of that  
10:29:54 15 mark?

10:29:54 16 A. That is correct.

10:29:55 17 Q. I would like for you to read into the record  
10:30:08 18 what the applicant's services are, goods and services,  
10:30:15 19 right here.

10:30:16 20 A. "Jewelry, diamonds, watches, and timepieces for  
10:30:19 21 all women. First use," blah, blah, blah.

10:30:24 22 Q. What was the first use date?

10:30:26 23 A. It was 2001 by the looks of it. It's actually  
10:30:30 24 a long number.

10:30:32 25 Q. All right.

10:30:33 1 A. 20011231, whatever that means.

10:30:36 2 Q. All right. And what was the second category of  
10:30:39 3 services or goods?

10:30:40 4 A. "Retail jewelry store services and catalog  
10:30:45 5 ordering services featuring jewelry, diamonds, watches  
10:30:48 6 and timepieces all for women."

10:30:49 7 Q. And are you currently using this mark in  
10:30:52 8 connection with those goods and those services?

10:30:53 9 A. Yes. Yes, we are.

10:31:21 10 MR. GRIGGS: We offer Opposer's Exhibit  
10:31:23 11 No. 3.

10:31:29 12 Q. (By Mr. Griggs) Mr. Boulle, you've stated that  
10:31:31 13 you're the daily manager of your business. What other  
10:31:34 14 jobs do you have?

10:31:35 15 A. That's --

10:31:37 16 Q. I mean are -- let me ask you. Who is in charge  
10:31:41 17 of your records? Who is the custodian of your records?

10:31:45 18 A. My CFO, Peter Harrop.

10:31:48 19 Q. Okay. And how does he manage your records? I  
10:31:52 20 mean with your -- does he consult with you in the  
10:31:55 21 management of those records?

10:31:59 22 A. We talk every day. So yes.

10:32:01 23 Q. On these three marks that we just discussed,  
10:32:23 24 the dB, de Boulle, and deB, have -- and you've testified  
10:32:30 25 that they're currently owned by your company?

10:32:32 1 A. That's correct.

10:32:33 2 Q. Okay. Have you ever granted a license to  
10:32:35 3 anyone else to use these marks?

10:32:37 4 A. Never.

10:32:37 5 Q. Okay. Have you ever given a consent to anyone  
10:32:43 6 to use them or to use something like them?

10:32:46 7 A. Never.

10:32:47 8 Q. Have you ever given permission to anyone?

10:32:50 9 A. No.

10:32:50 10 Q. Have you ever given a license consent or  
10:32:53 11 permission to De Beers --

10:32:55 12 A. No.

10:32:55 13 Q. -- the defendant in this case?

10:32:56 14 A. No.

10:32:56 15 Q. Okay. Would you state for the record the  
10:33:23 16 various kinds of jewelry items that are carried by your  
10:33:28 17 store and sold?

10:33:29 18 A. Yeah. Diamonds, jewelry, watches, and big --  
10:33:35 19 and those are the big categories. Then we have  
10:33:37 20 accessories like winding boxes and cufflinks and --

10:33:42 21 Q. Do you sell necklaces?

10:33:44 22 A. Necklaces, earrings, bracelets, rings.

10:33:48 23 Q. Okay. How do you sell your products? And  
10:33:59 24 specifically I'm asking you to identify the channels of  
10:34:02 25 trade. And I assume at least from what I've seen of your

10:34:07 1 store that you have a retail store operation.

10:34:08 2 A. Correct.

10:34:09 3 Q. Would you tell -- state for the record the  
10:34:11 4 various ways that you get the product to the customer.

10:34:14 5 A. How we deliver the product?

10:34:16 6 Q. No. How do you sell it, through what channels  
10:34:20 7 of trade?

10:34:20 8 A. Obviously through the door.

10:34:24 9 Q. Walk-in?

10:34:25 10 A. Walk-in, yeah. And then through marketing,  
10:34:28 11 direct mail, and then we do TV. We do radio. We do  
10:34:35 12 billboards. We do direct mail, through e-mails, through  
10:34:39 13 faxes, through every medium there is.

10:34:42 14 Q. Do you have a website operation?

10:34:44 15 A. Website. That's correct.

10:34:45 16 Q. Do you take orders from people who see your  
10:34:49 17 merchandise on the web?

10:34:50 18 A. Yeah, we do.

10:34:51 19 Q. On your website?

10:34:52 20 A. Yeah.

10:34:52 21 Q. Do you have any corporate accounts, any special  
10:34:56 22 programs for corporate customers?

10:34:57 23 A. Yes, we do.

10:34:58 24 Q. And what -- explain those.

10:35:00 25 A. A corporate account is, for example -- let me

10:35:03 1 -- I'll use Rolex watches. If somebody's got  
10:35:07 2 anniversaries for their employees for the 20th  
10:35:09 3 anniversary, they'll call us and order 5 or 10 or 20  
10:35:13 4 watches to commemorate their 20th anniversary as one  
10:35:19 5 example, but there are lots of different examples of  
10:35:21 6 that. Sales incentives, et cetera.

10:35:43 7 MR. GRIGGS: Let's go off record for a  
10:35:45 8 moment.

10:35:47 9 (A recess was taken from  
10:36:18 10 10:35 a.m. to 10:36 a.m.)

10:36:18 11 Q. (By Mr. Griggs) Mr. Boulle, would it be fair  
10:36:42 12 to say that you have some competition in Dallas?

10:36:43 13 A. Yes.

10:36:44 14 Q. Who are some of your principal competitors that  
10:36:47 15 are comparable to your business operation?

10:36:50 16 A. Eiseman's, Bill Noble, to some degree  
10:37:02 17 Bachendorf's, but not as much on watches. De Beers  
10:37:05 18 obviously has come to town.

10:37:08 19 Q. Are these all retail store operations --

10:37:10 20 A. Yes.

10:37:10 21 Q. -- in the city of Dallas?

10:37:11 22 A. That's correct.

10:37:12 23 Q. Have you ever visited their stores?

10:37:15 24 A. Who? All those competition you mean?

10:37:18 25 Q. Or any of them.

10:37:19 1 A. All of them, yeah, I have. Yes.

10:37:21 2 Q. From time to time?

10:37:21 3 A. From time to time once, yeah, in a blue moon.

10:37:24 4 Q. Have you had an occasion to visit the De Beers  
10:37:26 5 retail store?

10:37:27 6 A. Yes, I have.

10:37:28 7 Q. Where is it located?

10:37:29 8 A. It's in North Park.

10:37:31 9 Q. And what is North Park?

10:37:33 10 A. It's a shopping center at Central and Northwest  
10:37:39 11 Highway basically, Central Expressway.

10:37:39 12 (Deposition Exhibits Nos. 4-7 marked.)

10:39:43 13 MR. GRIGGS: Mr. Saunders, these are  
10:39:45 14 Opposer's Exhibits 4, 5, 6, and 7.

10:40:29 15 MR. SAUNDERS: Were these previously  
10:40:31 16 produced, or am I seeing those for the first time today?

10:40:35 17 MR. GRIGGS: These have not been -- only  
10:40:37 18 recently just yesterday acquired, and not yet been  
10:40:41 19 produced.

10:40:41 20 MR. SAUNDERS: Okay.

10:40:41 21 MR. GRIGGS: But we will certainly give  
10:40:43 22 you a copy.

10:40:46 23 MR. SAUNDERS: Okay.

10:41:16 24 Q. (By Mr. Griggs) Mr. Boulle, I show you  
10:41:18 25 Opposer's Exhibits 4, 5, 6, and 7 and ask you if you've

10:41:24 1 ever seen these before.

10:41:25 2 A. Yes, I have.

10:41:26 3 Q. And what do those photographs show?

10:41:31 4 A. It shows the De Beers store in North Park.

10:41:34 5 Q. Do you know how those photographs were

10:41:38 6 obtained?

10:41:38 7 A. I think Alan Katz or somebody who took them for  
10:41:46 8 us.

10:41:46 9 Q. And what company is that?

10:41:47 10 A. It's de Boulle. He works for de Boulle.

10:41:50 11 Q. Is it an outside contractor?

10:41:52 12 A. No, no. He's my --

10:41:53 13 Q. He's an employee?

10:41:55 14 A. He's a manager of ours, yeah.

10:41:56 15 Q. Okay. Have you had an occasion to walk through  
10:42:02 16 that store?

10:42:02 17 A. Yes, I have.

10:42:02 18 Q. And what did you see?

10:42:04 19 A. Basically I went -- looked at the outside,  
10:42:09 20 actually thought it was very pretty with the designs, the  
10:42:12 21 way they had the whole thing -- you know, the front of it  
10:42:15 22 was very well done, and spoke to a young lady inside and  
10:42:20 23 showed me some diamonds. But there were a lot of  
10:42:22 24 diamonds, and they did a lot of different types of  
10:42:24 25 jewelry basically.



10:42:27 1 And they have watches. I didn't really look at  
10:42:29 2 a lot of the watches, but they've got basically like  
10:42:31 3 every other jewelry store. You know, they've got  
10:42:33 4 diamonds, jewelry, watches.

10:42:35 5 Q. Did you notice anything in the way of a  
10:42:40 6 trademark that may have been presented in that store?

10:42:43 7 A. You know, the girl who was selling had a dB  
10:42:47 8 logo on her -- on her jacket, but I didn't notice --

10:42:53 9 Q. Was it stitched on or a pin?

10:42:55 10 A. It was a pin like a lapel pin, I think. They  
10:43:00 11 use it on their -- on their -- and I think -- I didn't  
10:43:01 12 see any stamps on jewelry. I have seen some other stamps  
10:43:05 13 on jewelry where they use the dB logo on the jewelry, but  
10:43:08 14 I did not see any -- obviously I didn't want to take  
10:43:12 15 hours going through the store.

10:43:13 16 Q. Right. And so what this pin, this lapel pin  
10:43:17 17 that you observed, was that on a store employee, or where  
10:43:20 18 was it?

10:43:20 19 A. It was on the store employee. It was the  
10:43:22 20 salesperson, manager. I don't know who she was, but --

10:43:26 21 Q. Okay. Was it -- could you tell what the  
10:43:29 22 material the pin was made of? Was it metal or plastic or  
10:43:33 23 fabric?

10:43:34 24 A. I presume metal. I couldn't a hundred percent  
10:43:42 25 say that, but I presume metal.

10:43:44 1 Q. Thank you. Do you have any knowledge of when  
10:43:56 2 this De Beers store opened for business?

10:44:00 3 A. I think it's literally in the last -- I  
10:44:03 4 remember walking by there when it was under construction.  
10:44:06 5 So very recently. Three months. I'm guessing, but the  
10:44:10 6 last three months.

10:44:10 7 Q. All right. Mr. Boulle, I'll refer you to  
10:44:18 8 Opposer's Exhibit 7 and ask if you've seen this before.

10:44:22 9 A. I actually have not seen this before, no.

10:44:24 10 Q. Okay. Do you recognize the store -- your store  
10:44:28 11 location on that map?

10:44:29 12 A. Yes, I do.

10:44:31 13 Q. Okay. Do you recognize the store location --  
10:44:37 14 the De Beers store location on that map?

10:44:39 15 A. Yes, I do.

10:44:40 16 Q. Do you know from personal experience about how  
10:44:44 17 far in distance that is, how far apart they are?

10:44:48 18 A. It says 2.9 miles here, I think.

10:44:52 19 Q. Okay.

10:44:53 20 A. It's not totaled out, but I presume that's  
10:44:57 21 about, yeah, 2.9 miles. I didn't realize it was that  
10:45:02 22 close. I'm sorry. Three miles.

10:45:04 23 Q. All right. Would you say, in your opinion,  
10:45:08 24 that the De Beers store is serving the same customers or  
10:45:12 25 at least the same customer area as your store?

10:45:15 1 A. A hundred percent, yes.

10:45:17 2 Q. Okay. Both in the city of Dallas?

10:45:19 3 A. Yeah, both in the city of Dallas.

10:45:21 4 Q. And what is that area referred to? Is it --  
10:45:24 5 what part of town?

10:45:25 6 A. You know, I am not quite sure, because this  
10:45:28 7 becomes University Park, which is the same little area,  
10:45:30 8 you know. So I'm not sure if North Park -- I presume  
10:45:34 9 North Park's in Dallas, but that's just a borderline to  
10:45:38 10 Dallas, I believe. So it's the same vicinity.

10:45:40 11 Q. Okay. Would you state for the record where  
10:45:45 12 this -- where this map was downloaded from?

10:45:48 13 A. Google.

10:45:49 14 Q. All right. Thank you.

10:45:55 15 MR. GRIGGS: Mr. Saunders, would you like  
10:45:57 16 to see it again?

10:45:58 17 MR. SAUNDERS: No. I'm okay with it.  
10:46:00 18 Thank you.

10:46:01 19 MR. GRIGGS: We offer Opposer's Exhibit 4.

10:46:44 20 Q. (By Mr. Griggs) Mr. Boulle, I'd like to return  
10:46:46 21 now to a discussion of your trademarks.

10:46:49 22 A. Yes.

10:46:49 23 Q. And the first I'd like to discuss with you and  
10:46:52 24 have you identify is the trademark dB.

10:46:54 25 A. Okay.

10:47:17 1 (Deposition Exhibit No. 8 was marked.)

10:47:17 2 MR. GRIGGS: Mr. Saunders, I show you

10:47:19 3 Opposer's Exhibit 8.

10:47:32 4 MR. SAUNDERS: Okay.

10:47:34 5 MR. GRIGGS: Thanks.

10:47:35 6 Q. (By Mr. Griggs) Mr. Boulle, I show you

10:47:53 7 Opposer's Exhibit 8 and ask you if you've seen this

10:47:55 8 before and if you can identify it.

10:47:57 9 A. Yes, I have seen it before.

10:47:59 10 Q. And what is it?

10:48:00 11 A. It's a de Boulle -- what do you call it? --

10:48:05 12 circular with a dB on it with yellow in the dB, and it's

10:48:09 13 a sticky that we use for packages, all different kinds of

10:48:14 14 packages.

10:48:14 15 Q. Is it in the nature of an adhesive label?

10:48:18 16 A. Adhesive label. That's correct. I couldn't

10:48:21 17 think of the word. Embossed.

10:48:22 18 Q. And would it be fair to say in your opinion

10:48:25 19 that that simulates a wax ring?

10:48:28 20 A. That's correct.

10:48:29 21 MR. SAUNDERS: Object on the grounds of

10:48:32 22 leading. Go ahead.

10:48:32 23 Q. (By Mr. Griggs) All right. Let me ask it

10:48:34 24 again. Would you state for the record what the origin of

10:48:41 25 this particular trademark is and why that was chosen as

10:48:46 1 an indicator of origin for your products and services.

10:48:49 2 A. In the olden days they used -- this is an  
10:48:51 3 embossed dB. They used to use the wax -- they used to  
10:48:54 4 have rings. You know, they wore the rings with their  
10:48:56 5 logos on it, and they'd put it in the wax.

10:48:59 6 And then they'd seal envelopes with it, the  
10:49:02 7 nobility back in the olden days, back in the 1700s, I  
10:49:04 8 think. So in this, I was trying to get the same kind of  
10:49:07 9 feel as that, circular ring with a decompression on it.

10:49:10 10 Q. Okay. You don't actually have a ring of that  
10:49:15 11 sort?

10:49:15 12 A. I do not. I wish.

10:49:17 13 Q. And what is this referred to in your business,  
10:49:20 14 this strip that they're mounted on?

10:49:22 15 A. It's just an adhesive strip. I don't know,  
10:49:26 16 honestly. I don't know what that's called. Waxed paper.

10:49:29 17 Q. And how do you use them in your business?  
10:49:31 18 Where are they attached?

10:49:32 19 A. We use them on a lot of different things. We  
10:49:36 20 will -- for example, when a customer comes in the store,  
10:49:38 21 we will wrap a box. So say they buy a watch, as an  
10:49:43 22 example, and they're going to give it as a present.

10:49:46 23 We will wrap it with wrapping paper, and we  
10:49:50 24 will tie it with a de Boulle ribbon; and we'll use this  
10:49:54 25 either as a seal on the back or a seal on the front of

10:49:57 1 the envelope, of the box. So as soon as a customer opens  
10:50:00 2 up, you know, they'll see the dB as recognition for us,  
10:50:04 3 for branding.

10:50:05 4 Q. So the label adhesive, this adhesive label,  
10:50:12 5 would be placed onto the container in which the ring or  
10:50:16 6 the jewelry item, whatever it is, is enclosed?

10:50:20 7 A. Yeah, on the wrapping paper on the box, but it  
10:50:22 8 could be used in certain circumstances on a -- it can be  
10:50:25 9 used for a lot of different areas, but yes, primarily.

10:50:27 10 Q. Okay. Is it ever attached directly to the box  
10:50:31 11 or to --

10:50:32 12 A. Yes.

10:50:32 13 Q. -- the -- to the packaging for the jewelry  
10:50:37 14 item?

10:50:37 15 A. Correct. Yes, it is.

10:50:39 16 Q. Okay. How is it? How and when is that done?

10:50:45 17 A. I want to answer that correctly because when  
10:50:48 18 you say packaging, are you saying the --

10:50:49 19 Q. Well, what I'm referring to is -- let's say  
10:50:52 20 it's a watch.

10:50:53 21 A. Okay.

10:50:53 22 Q. And the watch is inside of a little box that  
10:50:55 23 has a spring-loaded lid?

10:50:57 24 A. Yes.

10:50:57 25 Q. Okay. Would that label be attached to that box

10:51:01 1 anywhere?

10:51:01 2 A. No, it would not. So it could damage the box.

10:51:05 3 So we normally use it on paper rather than on boxes.

10:51:07 4 Q. The inside box might be enclosed within a  
10:51:11 5 cardboard container, a shipping box. Would it ever -- do  
10:51:15 6 you ever apply that label to the box, itself?

10:51:16 7 A. Yes, sometimes we can. Yeah.

10:51:19 8 Q. Okay. And where else do you apply the label?

10:51:21 9 A. We will do on -- it's hard to explain. If  
10:51:26 10 you've got a shopping bag, the de Boulle shopping bag on  
10:51:30 11 it, we will wrap, for example, the wrap box with very  
10:51:36 12 thin paper, and then that would be sealed.

10:51:39 13 I mean you've got a picture of it there like  
10:51:41 14 that. Without showing that, it's very hard to explain  
10:51:47 15 that.

10:51:47 16 Q. Well, all right.

10:51:49 17 A. So we use it a lot of different ways. We've  
10:51:52 18 used it on mail-outs. We've used it on boxes. We've  
10:51:55 19 used it on wrapping. We've used it on, I mean, all kinds  
10:51:58 20 of things. That's what I can remember.

10:52:00 21 Q. And is it fair to say this is always in  
10:52:03 22 connection with a product that's being sold to a customer  
10:52:06 23 or a gift or a promotional piece?

10:52:07 24 A. That's correct.

10:52:08 25 MR. SAUNDERS: Objection; leading.

10:52:08 1 A. That's correct.

10:52:10 2 MR. SAUNDERS: Objection; leading. Go  
10:52:10 3 ahead.

10:52:10 4 A. It could be any or all of those, yes.

10:52:12 5 Q. (By Mr. Griggs) Do you ever use this adhesive  
10:52:15 6 label that shows the dB in the circle, do you ever use it  
10:52:18 7 on a promotional item that's a give-away?

10:52:21 8 A. Yeah, we have.

10:52:23 9 Q. And what would be some of those items?

10:52:26 10 A. For example, if we do a -- I'm trying to think  
10:52:30 11 of a good -- a watch company. I'll use that Patek  
10:52:34 12 Philippe has got a catalog that they send us. We might  
10:52:34 13 put the dB on it, put our own stamp on it. Rather than  
10:52:39 14 it just being Patek, we actually tie ourselves by putting  
10:52:46 15 the dB on the Patek so they know it comes from us.

10:52:46 16 (Deposition Exhibit No. 9 was marked.)

10:52:48 17 MR. GRIGGS: All right. Mr. Saunders, I  
10:52:49 18 show you Opposer's Exhibit 9.

10:53:06 19 MR. SAUNDERS: Okay.

10:53:07 20 Q. (By Mr. Griggs) Mr. Boulle, you were referring  
10:53:10 21 a few minutes ago to use of this label to be placed on  
10:53:15 22 top of wrapping paper. I show you Opposer's Exhibit 9,  
10:53:20 23 and would you tell us what this portrays.

10:53:23 24 A. That's exactly -- so this would have a gift  
10:53:26 25 inside of it, and this would be the outside wrapping to



10:53:28 1 the gift before it goes into the de Boulle bag. And as  
10:53:34 2 you can see here, the dB is prominently placed.

10:53:37 3 Q. Mr. Boulle, obviously this is a photograph --

10:53:40 4 A. Uh-huh.

10:53:40 5 Q. -- of the packaging and the wrapping and the dB  
10:53:45 6 label.

10:53:46 7 A. Right.

10:53:46 8 Q. Can you tell us how this photograph was made?

10:53:53 9 A. I can't tell you who took the photograph, but  
10:53:56 10 somebody in the office obviously did. I don't know who  
10:53:58 11 or when or what.

10:53:59 12 Q. But did this come from your company?

10:54:01 13 A. That's correct. Yes. So one of my employees  
10:54:03 14 took that.

10:54:03 15 Q. Is the use of the dB label, the adhesive label,  
10:54:20 16 is that just for a certain category of goods, just say  
10:54:23 17 for watches only, or is it --

10:54:24 18 A. No. All categories.

10:54:25 19 Q. What various types of jewelry items would you  
10:54:28 20 use that?

10:54:29 21 A. Rings, necklaces, watches, bracelets,  
10:54:35 22 accessories, all -- all -- everything in the store  
10:54:39 23 really.

10:54:39 24 Q. And what's the message that you're trying to  
10:54:42 25 get across to the customer in using this logo?

10:54:46 1 A. Well, it's to brand, you know, so when they see  
10:54:49 2 that dB, they think of de Boulle, you know. It's to  
10:54:54 3 brand dB as our signature.

10:54:57 4 Q. All right. And what does that imply to you?  
10:55:01 5 Is it fair to say that you're using that to indicate that  
10:55:07 6 de Boulle, the corporation, is the source of this  
10:55:10 7 product?

10:55:11 8 MR. SAUNDERS: Objection; leading.

9 COURT REPORTER: Did you answer correct?

10 THE WITNESS: I didn't know if I was  
11 supposed to since he said what he said.

12 COURT REPORTER: I didn't know whether you  
13 had answered.

14 THE WITNESS: Am I supposed --

15 A. Yes. Yes.

16 THE WITNESS: I didn't know if I was  
10:55:30 17 supposed to answer when he said --

10:55:30 18 Q. (By Mr. Griggs) Mr. Boulle, in the world of  
10:55:33 19 trademarks, a trademark is considered to be an indicator  
10:55:35 20 of origin, a distinctive indicator of origin for a  
10:55:41 21 product or a service?

10:55:41 22 A. Correct.

10:55:42 23 Q. Have you ever had an occasion to use this label  
10:55:44 24 in the true trademark sense as an indicator of origin for  
10:55:48 25 your product?

10:55:48 1 A. Yes. That's the whole point of the sticker.  
10:55:51 2 That's the whole point of the dB.

10:55:53 3 Q. Thank you.

10:55:53 4 A. It's our seal of approval.

10:55:55 5 Q. Thank you.

10:55:58 6 A. Can I ask a question? When he objects, am I  
10:56:01 7 supposed to answer or not answer?

10:56:03 8 MR. GRIGGS: Off the record.

10:56:03 9 (A recess was taken from  
10:57:28 10 10:56 a.m. to 10:57 a.m.)

10:57:59 11 MR. GRIGGS: Mr. Saunders, may we have  
10:58:01 12 your client's permission to substitute photographs of  
10:58:05 13 certain of these exhibits that are bulky, for example,  
10:58:07 14 the magazines?

10:58:11 15 MR. SAUNDERS: I'm not quite following.  
10:58:13 16 What's the --

10:58:14 17 MR. GRIGGS: Well, we are at some point  
10:58:16 18 going to offer magazine publications, and they're quite  
10:58:20 19 bulky. And I'm sure the board would prefer to have a  
10:58:24 20 photocopy rather than the actual item. So -- but I'm  
10:58:26 21 asking you: Do we have your client's consent to  
10:58:30 22 substitute photocopies?

10:58:33 23 MR. SAUNDERS: Absolutely for a  
10:58:34 24 publication such as a magazine or catalog, yes. If it's  
10:58:39 25 anything else, we'll take it on a case-by-case basis.

10:58:43 1 That would be great.

10:58:44 2 MR. GRIGGS: If it's bulky, that would be  
10:58:47 3 our rule of thumb, then?

10:58:49 4 MR. SAUNDERS: Subject to my review and  
10:58:51 5 agreement, yes.

10:58:51 6 MR. GRIGGS: Let's clarify. Do we have  
10:58:52 7 the agreement or not?

10:58:54 8 MR. SAUNDERS: Well, I can't just give a  
10:58:55 9 blanket agreement to something I haven't seen yet. But  
10:58:58 10 as I said, if it's a publication such as a magazine, I  
10:59:01 11 have no problem with it.

10:59:02 12 If it's something that happens to be bulky, but  
10:59:05 13 it's not a publication, it's something that's generated  
10:59:08 14 and I haven't seen it before, I'm not going to agree  
10:59:10 15 until I see it.

10:59:10 16 MR. GRIGGS: We do have some bulky items  
10:59:13 17 that -- okay. All right.

10:59:14 18 MR. SAUNDERS: I think maybe we should  
10:59:16 19 just go item by item. I'm not going to give you a hard  
10:59:19 20 time, but, you know, I have to reserve my right to  
10:59:21 21 object.

10:59:23 22 MR. GRIGGS: All right. We now -- we  
10:59:59 23 offer Opposer's Exhibits 8 and 9.

11:00:04 24 MR. SAUNDERS: And 8 and 9 are subject to  
11:00:06 25 our objection based on authentication and foundation. So

11:00:10 1 we object to 8 and 9. Go ahead.

11:00:13 2 MR. GRIGGS: As to what?

11:00:14 3 MR. SAUNDERS: Authentication and  
11:00:17 4 foundation.

11:00:17 5 MR. GRIGGS: This one?

11:00:18 6 MR. SAUNDERS: 8 and 9, yes.

11:00:29 7 Q. (By Mr. Griggs) Mr. Boulle, I show you again  
11:00:31 8 Opposer's Exhibit No. 8 and ask you if you can identify  
11:00:35 9 it.

11:00:35 10 A. Yes, I can. They're dB stickers, circular,  
11:00:40 11 embossed with a D and a B.

11:00:42 12 Q. Is that your trademark?

11:00:43 13 A. Yes, it is.

11:00:44 14 Q. Owned by your company?

11:00:45 15 A. That's correct.

11:00:46 16 Q. And is it manufactured by your company or  
11:00:48 17 manufactured for you by an outside vendor?

11:00:50 18 A. Yes, it is.

11:00:51 19 Q. Do you use it in the ordinary course of your  
11:00:54 20 business?

11:00:54 21 A. Everyday, yes.

11:00:55 22 Q. Are you the custodian of these --

11:00:58 23 A. The company is, yeah.

11:00:59 24 Q. Okay. But do you know where they're kept?

11:01:01 25 A. Yes, I do.

11:01:02 1 Q. Where are they kept?

11:01:03 2 A. They're kept in -- at the front desk where we  
11:01:06 3 do all the mailings and the shippings and the wrapping.

11:01:09 4 Q. And who would be the person that would apply  
11:01:11 5 the label?

11:01:12 6 A. Natalie and Nicole and some of the salespeople.  
11:01:15 7 So it would be variant people, but mostly Natalie.

11:01:18 8 Q. Okay. Is this -- the sample that we're showing  
11:01:21 9 you here, is that representative of the ones that are  
11:01:24 10 used daily in your business?

11:01:25 11 A. That's exactly the ones we use.

11:01:27 12 Q. Are they identical?

11:01:28 13 A. Yes.

11:01:28 14 Q. And where is that strip taken -- where was that  
11:01:31 15 strip taken from?

11:01:32 16 A. From the batch that they have on the front.

11:01:34 17 Q. Is it a roll or in a box?

11:01:36 18 A. It's a roll, I believe, yeah.

11:01:37 19 Q. Well, which is it? Is it a roll?

11:01:42 20 A. You know, we've had several of them. I don't  
11:01:44 21 remember, to be honest with you. I think it's a roll. I  
11:01:46 22 believe it's a roll.

11:01:47 23 Q. Do you know who the --

11:01:48 24 A. I'm not sure.

11:01:49 25 Q. I believe you said that this was made --

11:01:52 1 they're manufactured for you, printed for you --

11:01:54 2 A. That's correct.

11:01:54 3 Q. -- by an outside vendor?

11:01:55 4 A. That's correct.

11:01:56 5 Q. Do you know who the vendor is?

11:01:59 6 A. I do not. I do not know that, sir, who the  
11:02:04 7 vendor is.

11:02:04 8 Q. Okay.

11:02:05 9 A. I can give you that information on both of  
11:02:07 10 those.

11:02:07 11 Q. All right.

11:02:08 12 A. I don't apply these, myself. That's why I  
11:02:11 13 don't really know. Sorry.

11:02:11 14 Q. But are you the supervisor of the person who  
11:02:14 15 does apply it?

11:02:14 16 A. We have systems in place that when a box goes  
11:02:17 17 up to the front, for example, it will automatically be  
11:02:20 18 put on. It's part of the system.

11:02:22 19 Q. Have you ever had an occasion to look at a box  
11:02:25 20 as it goes out the door?

11:02:26 21 A. Yeah.

11:02:26 22 Q. Do you verify the appearance of the box?

11:02:28 23 A. I have on occasion, yes. I've got --

11:02:31 24 Q. What are the things that you look for when you  
11:02:33 25 inspect?

11:02:35 1 A. I look, you know, like the ribbon is perfect.  
11:02:38 2 I look at the wrapping to make sure that -- once in a  
11:02:40 3 while, I will check to make sure when I hand it to the  
11:02:43 4 customer, will make sure that it's all perfect. We have  
11:02:47 5 set standards that we have.

11:02:48 6 Q. Have you ever had an occasion to verify that  
11:02:50 7 the sticker is, in fact, placed on the box?

11:02:53 8 A. Yes.

11:02:53 9 Q. Is it in plain view?

11:02:55 10 A. It's -- yes, it's in plain view --

11:02:57 11 Q. Okay.

11:02:59 12 A. -- on the actual box, yes.

11:03:00 13 Q. Okay. And is it your -- your testimony, then,  
11:03:06 14 that this -- placing the label on the box is a matter of  
11:03:10 15 routine business practice?

11:03:12 16 A. That's correct.

11:03:12 17 Q. Do you ever inspect the box that -- I assume  
11:03:32 18 the box -- are you telling me it's true that the box  
11:03:36 19 would contain a jewelry item that you're selling to a  
11:03:38 20 customer? Is that correct?

11:03:39 21 A. Yes.

11:03:39 22 Q. Okay. Do you ever inspect at this level where  
11:03:43 23 it's being wrapped?

11:03:43 24 A. Yes. "Inspect" is the wrong word, but  
11:03:46 25 sometimes I'll be talking to them when they're wrapping;



11:03:49 1 and then you can see what they're doing. So "inspect" is  
11:03:51 2 the wrong word, but, you know, I'm there waiting for the  
11:03:55 3 package to come after the customer, and I will see it  
11:03:57 4 being done.

11:03:58 5 Q. And have you witnessed that wrapping --

11:03:59 6 A. Yes.

11:04:00 7 Q. -- personally?

11:04:02 8 A. Yes.

11:04:02 9 Q. Okay. And you -- have you seen your assistant,  
11:04:06 10 your employee, place the adhesive label on the  
11:04:09 11 wrapping --

11:04:09 12 A. Correct. Yes, I have.

11:04:11 13 Q. -- in this manner as depicted in Opposer's  
11:04:14 14 Exhibit 9?

11:04:14 15 A. Yes, I have.

11:04:15 16 Q. Thank you.

11:04:24 17 MR. GRIGGS: We again offer Opposer's  
11:04:27 18 Exhibits 8 and 9.

11:04:29 19 MR. SAUNDERS: Applicant is going to  
11:04:30 20 maintain its objections at this time to Exhibits 8 and 9.  
11:04:34 21 We can move forward.

11:04:41 22 MR. GRIGGS: Off the record for a moment.  
11:04:59 23 (Off-the-record discussion was held.)

11:05:02 24 Q. (By Mr. Griggs) Mr. Boulle, when did you first  
11:05:11 25 start using the dB adhesive label in the manner that

11:05:17 1 you -- that you have described?

11:05:19 2 A. 2001, I believe. I can't tell you exactly  
11:05:26 3 when.

11:05:26 4 Q. Do you remember a month, the approximate month?

11:05:28 5 A. I don't -- honestly don't remember. I can't  
11:05:31 6 tell you.

11:05:31 7 Q. Okay. How do you know that it was in 2001?

11:05:33 8 A. Because we did the whole branding, you know,  
11:05:36 9 when we set up the website. That's when we decided to  
11:05:39 10 really brand the store. That's when we started doing all  
11:05:42 11 the logos and the --

11:05:45 12 Q. When did you contact your vendor who does the  
11:05:49 13 printing for you?

11:05:49 14 A. I actually didn't do it. Somebody else did  
11:05:52 15 that for me. So I couldn't tell you exactly when that  
11:05:56 16 was done.

11:05:58 17 Q. Who designed the -- that dB logo for you?

11:06:02 18 A. You know, a lot of the designs, myself, my wife  
11:06:08 19 was involved in the designs, and employees at the time,  
11:06:12 20 and sometimes we'd use different art -- ad agencies or ad  
11:06:16 21 people, I should say.

11:06:17 22 Q. And did you -- as a matter of course in your  
11:06:23 23 managing the business, did you approve the designs --

11:06:25 24 A. Yes.

11:06:28 25 Q. -- at some time?

11:06:29 1 A. Yes. I approved them all.

11:06:31 2 Q. Is it fair to say, then, the final design was  
11:06:33 3 subject to your approval?

11:06:34 4 A. That's correct.

11:06:35 5 Q. Okay. So you had control over its appearance?

11:06:38 6 A. Yes. Well, actually thinking back on it, we  
11:06:48 7 designed it in 2000. I'm sorry. The dB was 2000 when we  
11:06:55 8 did that, because it was done originally -- I'm sorry.  
11:06:58 9 My memory's not as good as it was.

11:07:00 10 Was in the -- when we did the Internet, we  
11:07:02 11 started using the dB. So that was during the 2000,  
11:07:05 12 because we moved in the store in 2001. But we actually  
11:07:08 13 started the branding and the marketing, all the different  
11:07:11 14 pieces to roll it out for when we opened the store. So  
11:07:15 15 2000.

11:07:15 16 Q. Are you referring to the label shown in  
11:07:17 17 Opposer's Exhibit 8?

11:07:19 18 A. That logo, yes. That logo was --

11:07:21 19 Q. What we were referring to as the dB logo?

11:07:23 20 A. Correct. The dB logo was 2000, not 2001. My  
11:07:27 21 apologies.

11:07:28 22 Q. Then approximately what date was a label  
11:07:33 23 attached to a box that contained a jewelry item that was  
11:07:37 24 sold to a customer?

11:07:38 25 A. That would have been later. I can't remember,

11:07:44 1 to be honest with you.

11:07:45 2 Q. Later, you mean later in 2000 or later in --

11:07:48 3 A. 2000 -- I don't know. I don't want to make  
11:07:52 4 that up, because I don't remember. We started using -- I  
11:07:54 5 don't know. The labels. We started using the logo on  
11:07:57 6 the Internet in 2000, but I don't remember when we  
11:08:02 7 actually started using the stickies, the labels, for  
11:08:08 8 that. I don't remember.

11:08:10 9 Q. Can you -- do you recall if it was some time in  
11:08:13 10 the year 2001? Were you shipping product in 2001?

11:08:18 11 A. We were shipping product in 2001, and I don't  
11:08:24 12 remember honestly -- old age -- I don't remember the  
11:08:26 13 exact details of how the shipping was.

11:08:30 14 Q. Within --

11:08:31 15 A. So I don't want to tell you something that's  
11:08:34 16 incorrect.

11:08:35 17 Q. Were you shipping products with this label  
11:08:37 18 attached in the year 2002?

11:08:39 19 A. I would think it would be -- yes. Yes.

11:08:42 20 Q. All right.

11:08:44 21 A. Probably 2001. I'm sorry. I can try and get  
11:08:49 22 my wife to remember.

11:08:51 23 Q. All right.

11:09:04 24 (Deposition Exhibit No. 10 marked.)

11:09:11 25 MR. GRIGGS: Mr. Saunders, I have here

11:09:14 1 Opposer's Exhibit 10 for your inspection.

11:09:33 2 Q. (By Mr. Griggs) Mr. Boulle, I have a  
11:09:35 3 photograph of a -- that we've marked as Opposer's Exhibit  
11:09:39 4 10, ask you if you've ever seen this before; and if so,  
11:09:43 5 have you -- can you identify what it shows?

11:09:46 6 A. Yeah. That's our wrapping that we use to wrap  
11:09:49 7 jewelry. So inside here there would be jewelry or a  
11:09:52 8 watch, and it's wrapped in the de Boulle ribbon, tied in  
11:09:59 9 a bow, and then we have the circular dB logo with the  
11:10:04 10 embossed dB on it.

11:10:06 11 Q. And would that -- this item, this jewelry item,  
11:10:12 12 would it be sold -- delivered this way to a walk-in  
11:10:16 13 customer, for example?

11:10:17 14 A. That's correct.

11:10:17 15 Q. What if you're -- what if the customer were out  
11:10:21 16 of town or out of state? How would this package be sent?

11:10:24 17 A. It would go out the same way.

11:10:26 18 Q. It would go out with the ribbon on the box?

11:10:28 19 A. Correct.

11:10:29 20 Q. Would it go out with the dB logo --

11:10:29 21 A. Correct.

11:10:32 22 Q. -- that we've identified as Opposer's Exhibit  
11:10:36 23 No. 8?

11:10:36 24 A. That's correct.

11:10:37 25 Q. What would the customer see when the ribbon is

11:10:43 1 removed and the wrapping is removed?

11:10:44 2 A. If it's a watch, it would be the, you know,  
11:10:48 3 Rolex name or whatever, the Rolex box. If it's a piece  
11:10:52 4 of jewelry, it would be a de Boulle square, de Boulle  
11:10:55 5 black box with de Boulle on top of it.

11:10:58 6 Q. Okay.

11:11:05 7 MR. GRIGGS: Okay. We offer Opposer's  
11:11:08 8 Exhibit No. 10.

11:11:25 9 (Deposition Exhibit No. 11 marked.)

11:11:25 10 MR. SAUNDERS: We're going to raise the  
11:11:27 11 same objections to Exhibit 10 at this time as to the  
11:11:30 12 previous exhibits, 8 and 9.

11:11:41 13 Q. (By Mr. Griggs) Mr. Boulle, I show you again  
11:11:44 14 Opposer's Exhibit No. 10 and ask you if you can identify  
11:11:47 15 it.

11:11:48 16 A. Yeah. It's the de Boulle wrapping. It's what  
11:11:51 17 we do as a system of wrapping it with the de Boulle logo.

11:11:54 18 Q. (By Mr. Griggs) This is obviously a photograph  
11:11:55 19 of the packaging?

11:11:56 20 A. That's correct.

11:11:56 21 Q. Do you know how this photograph was made, who  
11:11:58 22 made the photograph?

11:11:59 23 A. One of my employees, I'm sure, took the  
11:12:03 24 photograph.

11:12:03 25 Q. It was made for what purpose?

11:12:05 1 A. To show to Mr. Tredoux --

11:12:08 2 Q. For this proceeding?

11:12:09 3 A. For this proceeding, yes. But it's a standard  
11:12:11 4 wrapping. It's what we use.

11:12:12 5 Q. Okay. You recognize -- do you recognize  
11:12:16 6 this --

11:12:16 7 A. It's the way we generally wrap our boxes, yes.

11:12:20 8 Q. Okay. How can you -- how can you identify the  
11:12:24 9 ribbon that's attached? How do you know it's yours?

11:12:27 10 A. It's got de Boulle written on it.

11:12:29 11 Q. Okay.

11:12:46 12 MR. GRIGGS: We offer again Opposer's  
11:12:50 13 Exhibit 10.

11:12:51 14 MR. SAUNDERS: And we maintain our  
11:12:52 15 objections at this time.

11:12:58 16 MR. GRIGGS: Mr. Saunders, I show you  
11:13:03 17 Opposer's Exhibit 11.

11:13:20 18 MR. SAUNDERS: Thank you.

11:13:26 19 Q. (By Mr. Griggs) Mr. Boulle, I show you  
11:13:34 20 Opposer's Exhibit 11.

11:13:35 21 A. Yes.

11:13:36 22 Q. And would you identify it, please.

11:13:37 23 A. It's a de Boulle box with diamond earrings  
11:13:43 24 inside it, and it's a -- it's got our ribbon again, our  
11:13:48 25 signature wrapping ribbon on it with the de Boulle logo

11:13:51 1 on the top, the dB logo.

11:13:53 2 Q. Would this item be packaged in the same way as  
11:13:56 3 shown in Opposer's Exhibit No. 10?

11:13:59 4 A. Actually we've used different boxes through the  
11:14:01 5 time. Sometimes -- so it's not identical, but it would  
11:14:06 6 have the outside dB. This one here would have the de  
11:14:11 7 Boulle sometimes. So we've used de Boulle and dB  
11:14:14 8 depending on the logos and which ones. So they have  
11:14:21 9 changed slightly through the years.

11:14:23 10 Q. Again, this is a photograph --

11:14:25 11 A. Correct.

11:14:25 12 Q. -- taken of your product. Can you tell us the  
11:14:30 13 circumstances that this photograph was made?

11:14:32 14 A. This was taken for the process, whatever you  
11:14:35 15 call it we're going through here, for the reason to show  
11:14:38 16 that -- the use of the logos.

11:14:40 17 Q. Who took the photograph? Do you know?

11:14:42 18 A. I do not know. One of my employees.

11:14:45 19 Q. All right.

11:14:45 20 A. One of my employees.

11:14:47 21 Q. And for what purpose?

11:14:48 22 A. For the proceedings here to show.

11:14:51 23 Q. Do you recognize this box?

11:14:53 24 A. Yes, I do. It's our de Boulle box.

11:14:56 25 Q. Okay. And this --



11:14:57 1 A. It's custom made.

11:14:58 2 Q. What is the jewelry item that's contained in  
11:15:01 3 the box?

11:15:01 4 A. It's a pair of antique diamond earrings in  
11:15:05 5 platinum.

11:15:05 6 Q. Okay. And this box is opened. And on the  
11:15:09 7 underside of the lid, what do you see?

11:15:12 8 A. dB.

11:15:12 9 Q. And that is --

11:15:14 10 A. Circle.

11:15:14 11 Q. -- your trademark, correct?

11:15:15 12 A. That is our trademark. That's correct.

11:15:17 13 Q. Do you recognize the ribbon that it's sitting  
11:15:21 14 on?

11:15:21 15 A. Yes, I do.

11:15:22 16 Q. And what is it?

11:15:23 17 A. It's a yellow ribbon with de Boulle on it, and  
11:15:27 18 that's our -- we actually designed these boxes, as well,  
11:15:30 19 and the ribbon. So this is actually our box and our  
11:15:33 20 ribbon. So it's unique to our company.

11:15:35 21 Q. Do you recognize this ribbon as being the same  
11:15:38 22 ribbon that you use in the ordinary course of your  
11:15:41 23 business?

11:15:41 24 A. That's correct, de Boulle written on it.

11:15:43 25 Q. Is this ribbon contained on a spool, or is it

11:15:47 1 loose?

11:15:47 2 A. That is actually tied to the box.

11:15:48 3 Q. I know. But where is the ribbon? How is it  
11:15:51 4 kept in your --

11:15:52 5 A. Well, there's two different -- we're actually  
11:15:56 6 out of ribbon right now. That's why I'm saying that.  
11:15:58 7 This is actually part of the box. So when they make the  
11:15:59 8 box, they sew it into the side.

11:16:01 9 Q. The ribbon?

11:16:02 10 A. Yes. So they close the top, and then they do a  
11:16:05 11 bow on the top of it so it's tied. Now, on the outside  
11:16:09 12 there, the de Boulle, that comes in a big spool.

11:16:12 13 Q. When did you first start using -- is this  
11:16:15 14 adhesive label, or is this embroidered or embossed?

11:16:19 15 A. We've used that adhesive when we ran out of  
11:16:23 16 boxes. So we -- they didn't get labeled. You know, they  
11:16:26 17 didn't stamp the inside. So we used this temporarily  
11:16:30 18 instead of the de Boulle.

11:16:31 19 Q. Okay. Well, do you still do this today?

11:16:34 20 A. No, we don't on this box.

11:16:37 21 Q. On this particular box?

11:16:38 22 A. No, we don't, because that's actually being  
11:16:41 23 stamped right now.

11:16:42 24 Q. And what is the stamp?

11:16:43 25 A. We've actually used this before. Sorry to

11:16:47 1 interrupt. I was thinking just before, and I can't  
11:16:47 2 remember which publication. But when the press come in  
11:16:50 3 and do pictures of our jewelry and stuff, watches, we'll  
11:16:54 4 use the dB on the side again to notate that it's our  
11:16:57 5 jewelry.

11:16:58 6 So we'll actually use this as a photographic ad  
11:17:02 7 to send to the press with a dB on it, again, because even  
11:17:08 8 though it's about the jewelry, this further recognizes  
11:17:11 9 that it's de Boulle jewelry. So --

11:17:13 10 Q. Can you give us an approximate date as to when  
11:17:19 11 this would have been shipped?

11:17:21 12 A. 2004. 2004.

11:17:32 13 Q. Okay.

11:17:36 14 A. I'm estimating that, guys. I don't want to --

11:17:39 15 MR. GRIGGS: We offer this as Opposer's  
11:17:41 16 Exhibit 11.

11:17:45 17 MR. SAUNDERS: We object to Exhibit 11 on  
11:17:47 18 the grounds of authentication and foundation.

11:18:05 19 MR. GRIGGS: Let's go off the record a  
11:18:07 20 minute. I'll be right back.

11:18:10 21 (A recess was taken from  
11:18:10 22 11:18 a.m. to 11:31 a.m.)

11:31:07 23 MR. GRIGGS: Mr. Saunders, we're going to  
11:31:09 24 talk again about Exhibits 9, 10, and 11. Do you want to  
11:31:13 25 see them again?

11:31:14 1 MR. SAUNDERS: No, thank you.

11:31:15 2 Q. (By Mr. Griggs) Now, Mr. Boulle, I refer you  
11:31:25 3 again to Opposer's Exhibits 9, 10, and 11 and ask if you  
11:31:33 4 are familiar with the jewelry product that's shown in  
11:31:36 5 Exhibit 11.

11:31:38 6 A. The jewelry product. Yes, I am.

11:31:40 7 Q. Are you familiar -- do you recognize and are  
11:31:47 8 you familiar with these photographs that show the jewelry  
11:31:50 9 product, the packaging, and the dB label?

11:31:53 10 A. Yes, I am. That's what we use at the store.

11:31:56 11 Q. Okay. What is the basis for your familiarity  
11:32:00 12 with these photographs?

11:32:02 13 A. Well, the dB, it's obviously instantly  
11:32:07 14 recognizable. And then we use the box, round box, which  
11:32:11 15 is on Exhibit 11, which is recognizable, as well as the  
11:32:14 16 ribbon. And on Exhibit 10, we've got the de Boulle  
11:32:18 17 wrapping with the dB circular logo. And on Exhibit No.  
11:32:23 18 9, we've got the dB again on some wrapping paper.

11:32:30 19 Q. And once again, would you state for the record  
11:32:33 20 how these photographs were produced?

11:32:35 21 A. They were taken by one of my employees to use  
11:32:39 22 as -- for the processing. This is also how we do it in  
11:32:46 23 the store, too. So it's a sample of what we do in the  
11:32:51 24 store for wrapping or presentation.

11:32:55 25 Q. Would you say that these photographs fairly,

11:33:01 1 accurately, and truly depict the box, the packaging, and  
11:33:07 2 the label?

11:33:08 3 A. Yes, they do.

11:33:09 4 Q. Okay. Has there been any change at all in the  
11:33:14 5 packaging, the box, or the label since these photographs  
11:33:18 6 were made? I mean from the time that they were first  
11:33:24 7 used until the photographs were made.

11:33:25 8 A. I suppose you want me to go into details, but  
11:33:30 9 we use -- we were out of this paper, and so we use this  
11:33:33 10 paper now.

11:33:34 11 Q. All right.

11:33:34 12 A. So the actual -- I don't know what you -- what  
11:33:37 13 do you call this paper?

11:33:38 14 Q. Well, we'll get to that.

11:33:39 15 A. Okay. Sorry. Anyway, yes, so that's an  
11:33:43 16 example. That's changed.

11:33:44 17 Q. Okay. Thank you.

11:34:05 18 MR. GRIGGS: We offer again Exhibits 9,  
11:34:08 19 10, and 11.

11:34:10 20 MR. SAUNDERS: Same objections.

11:34:21 21 MR. GRIGGS: Mr. Saunders, we're now going  
11:34:23 22 to talk again about Exhibit 8.

11:34:25 23 Q. (By Mr. Griggs) Mr. Boulle, I'll ask you again  
11:34:30 24 to identify what's shown on Opposer's Exhibit 8.

11:34:36 25 A. It is a sticky adhesive with a de Boulle dB

11:34:44 1 logo with a circular sticky label.

11:34:45 2 Q. How are they used in your business, or are they  
11:34:48 3 used in the business?

11:34:48 4 A. They're used on different wrappings, on  
11:34:50 5 mail-outs, on boxes, on tissue paper, on -- I can't think  
11:34:55 6 of anything else, but various ways. Sometimes used for  
11:34:59 7 photography, as I said before, when we will shoot an ad.

11:35:03 8 Q. Would you explain the procedures that your  
11:35:09 9 employees are directed to follow when applying these  
11:35:11 10 labels.

11:35:12 11 A. When they have wrapped the box, they will stick  
11:35:18 12 the dB logo -- sometimes it's been on the back, and  
11:35:23 13 sometimes it's been on the front on the outside of the  
11:35:26 14 box so it will be clearly visible to a customer when they  
11:35:31 15 get it.

11:35:37 16 Q. Okay. It was your testimony that the dB was  
11:35:39 17 first used some time either in 2000 or 2001 or 2002; is  
11:35:44 18 that correct?

11:35:44 19 A. Correct.

11:35:45 20 Q. Okay. Has there been any change in the  
11:35:48 21 presentation of the dB, this adhesive label, since that  
11:35:52 22 time?

11:35:55 23 A. No, it has not. There has not.

11:35:57 24 Q. And these are still available and being used  
11:35:59 25 today?

11:35:59 1 A. Correct.

11:36:00 2 Q. Is that correct?

11:36:01 3 A. Correct.

11:36:07 4 MR. GRIGGS: We offer again Opposer's  
11:36:10 5 Exhibit 8.

11:36:19 6 MR. SAUNDERS: Same objections.

11:37:01 7 (Deposition Exhibits Nos. 12 & 13 marked.)

11:37:01 8 MR. GRIGGS: Mr. Saunders, I show you  
11:37:03 9 Opposer's Exhibits 12 and 13.

11:37:58 10 Q. (By Mr. Griggs) Mr. Boulle, I show you now  
11:38:02 11 Opposer's Exhibits 12 and 13 and ask you -- let's take  
11:38:07 12 Exhibit 12 first and ask you to identify it. Tell us  
11:38:14 13 what it is.

11:38:14 14 A. Okay. It's -- it's tissue paper which you  
11:38:19 15 actually wrap around -- in other words, when you're  
11:38:22 16 finished wrapping the outside box -- or sometimes we  
11:38:24 17 won't wrap. We'll just use a de Boulle box, and then  
11:38:28 18 we'll wrap that around it. And then we'll put the label,  
11:38:31 19 the de Boulle logo, on it, and then we'll put it inside  
11:38:35 20 de Boulle bags.

11:38:35 21 So every time a bag goes out, it has the tissue  
11:38:38 22 paper with our logo on it and then just basically -- as  
11:38:40 23 they do in every store. You know, if you go get a shirt  
11:38:44 24 wrapped, they will put tissue paper around it. Then  
11:38:47 25 they'll put a sticky on it. So this is really what it

11:38:50 1 is.

11:38:50 2 Q. Again, Mr. Boulle, this is obviously a  
11:38:54 3 photographic reproduction of the box as it's wrapped with  
11:38:58 4 tissue; is that correct?

11:38:59 5 A. That is correct.

11:38:59 6 Q. All right. Can you tell us how this photograph  
11:39:02 7 was made?

11:39:04 8 A. It was taken by one of my employees for the  
11:39:06 9 process that we're going through today.

11:39:08 10 Q. For this proceeding?

11:39:09 11 A. For this proceeding. Sorry.

11:39:11 12 Q. Okay. Does the -- can you state from your  
11:39:20 13 personal knowledge of watching your employees work that  
11:39:22 14 this is how it actually looks as a box is being wrapped?

11:39:26 15 A. That is correct. Yes. It varies, obviously,  
11:39:30 16 box to box because everyone's slightly different, because  
11:39:33 17 we don't wrap every one of them -- I don't want to be too  
11:39:38 18 technical. Sometimes we stuff the paper out of the side  
11:39:40 19 and we put the dB on the box rather than on the wrapping  
11:39:44 20 paper.

11:39:44 21 Q. Is the logo, the dB logo that's shown in  
11:39:49 22 Exhibit 12, is that the same as or identical to the logo  
11:39:52 23 that's shown in Exhibit 8?

11:39:54 24 A. Identical. Is it the same, Exhibit 8, as  
11:40:02 25 Exhibit 12, and I -- yes.



11:40:03 1 Q. Are they not, in fact, identical?

11:40:06 2 A. They -- yes, they are. Yes, they are.

11:40:10 3 Q. I show you Opposer's Exhibit 13 and ask you to  
11:40:12 4 identify it.

11:40:13 5 A. This is the tissue paper that we use either to  
11:40:16 6 do the final wrapping on a box or use it to stuff into  
11:40:19 7 the bag as somebody goes out the door, as it's presented  
11:40:25 8 to the customer.

11:40:27 9 If you think about it, in a de Boulle box -- in  
11:40:29 10 a de Boulle bag -- excuse me -- in a de Boulle bag if it  
11:40:32 11 just had a little box in the bottom of it, it would look  
11:40:35 12 very empty. So we use this paper with our logo on it to  
11:40:38 13 fill that space and make presentation wise a much  
11:40:43 14 prettier presentation. So that is our paper.

11:40:45 15 Q. Is there any difference at all in what you see  
11:40:49 16 the wrapping paper portrayed in this photograph, this  
11:40:53 17 photograph Exhibit No. 12, and this actual tissue paper  
11:40:58 18 that we show you as Exhibit 13?

11:41:00 19 A. No, there's not. It's the same paper.

11:41:03 20 Q. Okay. Where do you get this? What is the  
11:41:09 21 source of this paper?

11:41:10 22 A. I don't know. Alan -- I mean somebody orders  
11:41:14 23 that for us from the same supplier.

11:41:16 24 Q. Outside contractor?

11:41:17 25 A. Outside contractor. Yes, that's correct. Yes,

11:41:19 1 that's correct.

11:41:19 2 Q. And how is it kept in the ordinary course of  
11:41:22 3 your business?

11:41:24 4 A. I believe we've got a box from them that has a  
11:41:29 5 big pile of it. We have a lot of this paper, but it's  
11:41:32 6 generally kept in the box from where -- at the wrapping  
11:41:36 7 station at the front.

11:41:36 8 Q. Okay. Have you ever observed the wrapping --

11:41:39 9 A. Yes, I have.

11:41:40 10 Q. -- when this tissue is either stuffed or  
11:41:42 11 wrapped?

11:41:42 12 A. Yes, I have.

11:41:42 13 (Deposition Exhibit No. 14 was marked.)

11:41:49 14 Q. (By Mr. Griggs) A few moments ago, you made  
11:41:51 15 reference to a shopping bag.

11:41:53 16 A. Correct.

11:41:54 17 MR. GRIGGS: Mr. Saunders, we're now  
11:41:56 18 talking about Opposer's Exhibit No. 14.

11:42:06 19 Q. (By Mr. Griggs) Mr. Boulle, do you recognize  
11:42:10 20 Exhibit 14?

11:42:11 21 A. Yes, I do.

11:42:12 22 Q. And tell us what it is.

11:42:13 23 A. It's the de Boulle bag in yellow with the de  
11:42:20 24 Boulle logo spelled out d-e-b-o-u-l-l-e on the front, and  
11:42:25 25 it has the de Boulle bug on the side of it.

11:42:29 1 Q. You say bug. What do you mean?

11:42:31 2 A. Well, it's the little de Boulle logo. I call  
11:42:31 3 it the de Boulle bug.

11:42:34 4 Q. That looks different to me than from the one  
11:42:36 5 shown on Exhibit 8. Can you tell us what the difference  
11:42:38 6 is?

11:42:38 7 A. This is actually in the shape of an emerald cut  
11:42:41 8 with a small DE on the top with a big B on the bottom.

11:42:47 9 So we'll have different applications depending on --

11:42:50 10 Q. That corresponds to the -- to the mark that's  
11:42:52 11 shown in the trademark registration that we've previously  
11:42:55 12 discussed?

11:42:55 13 A. That is correct. It took us a long time to  
11:43:00 14 design that, believe it or not, as simple as it looks.

11:43:09 15 Sorry.

11:43:09 16 Q. And that was the mark shown in registration No.  
11:43:16 17 3,078,627?

11:43:16 18 A. That is correct.

11:43:17 19 Q. That's Exhibit No. 1?

11:43:21 20 A. That's correct.

11:43:21 21 Q. And how long have you been using this shopping  
11:43:31 22 bag in your business?

11:43:32 23 A. Since -- I'm sorry. The exact dates, but it  
11:43:40 24 was in 2001. I don't know if we ordered in it 2000 and  
11:43:43 25 it arrived in 2000, because a lot of this was done, as I

11:43:47 1 said, previous to moving, a lot of the designs. But it  
11:43:48 2 would be in 2000 or 2001 when we moved into the store.  
11:43:52 3 Probably 2001.

11:43:53 4 Q. So you're saying this -- was this in connection  
11:43:55 5 with the opening of your new store?

11:43:58 6 A. That's correct.

11:43:58 7 Q. Then the design of the shopping bag and this  
11:44:02 8 logo was for that purpose?

11:44:04 9 A. That is correct.

11:44:15 10 Q. Are you still using these bags and this  
11:44:27 11 wrapping paper today?

11:44:28 12 A. Yes, we are.

11:44:29 13 Q. Has there ever been a period of time when you  
11:44:31 14 ceased using these bags or the wrapping paper?

11:44:35 15 A. No. We've used them all the way through.

11:44:37 16 Q. You've used them -- is it accurate to say that  
11:44:39 17 you've used it continuously every year --

11:44:43 18 A. That's correct.

11:44:44 19 Q. -- from the date you first started using it  
11:44:47 20 until today?

11:44:48 21 A. That's -- the only thing that's changed -- I'm  
11:44:51 22 sorry. I don't how technical you guys want me to be --  
11:44:55 23 is the color, you know. The yellow color was later on,  
11:44:58 24 but we used to use a black bag with the same things or  
11:45:01 25 whatever. But yes, that's the same bag. Maybe we've

11:45:04 1 changed shades of yellow or, you know, color wise, but  
11:45:06 2 the actual bag is the same.

11:45:09 3 Q. Then other than some color variation or shape  
11:45:12 4 variation, are there any other differences?

11:45:13 5 A. No.

11:45:19 6 MR. GRIGGS: Okay. We offer Opposer's  
11:45:21 7 Exhibits 12, 13, and 14.

11:45:28 8 MR. SAUNDERS: Can I just see them again?  
11:45:32 9 We object to Exhibit 12 on the basis of authentication  
11:45:37 10 and foundation. No objections to Exhibits 13 and 14.

11:46:16 11 Q. (By Mr. Griggs) You mentioned in your previous  
11:46:18 12 testimony about making preparations for opening your new  
11:46:21 13 store. What were some of the other preparations that you  
11:46:23 14 were referring to?

11:46:24 15 A. We obviously had to rebuild -- we redid the  
11:46:31 16 store totally, added a second story, and so totally  
11:46:36 17 changed the whole look of the store. But we also -- the  
11:46:39 18 year before, we worked on a website which we rolled out  
11:46:45 19 at the same -- you know, actually was functional before,  
11:46:48 20 but we re-rolled it out and exposed it to all our  
11:46:52 21 customers at the opening of the store. So the website,  
11:46:57 22 deboulle.com.

11:46:57 23 Q. And what was -- on the web pages that formed,  
11:47:02 24 did you have more than one web page in your website?

11:47:10 25 A. You mean --

11:47:11 1 Q. Did you have more than one web page?

11:47:13 2 A. It was a whole website. It was a fully  
11:47:16 3 functional website.

11:47:17 4 Q. Would it be fair to call those pages  
11:47:18 5 collectively a catalog?

11:47:19 6 A. Yeah. Yes. That's what it is.

11:47:23 7 Q. Did you display any of your trademarks that  
11:47:25 8 we've referred to on your website, on a web page?

11:47:28 9 A. Yes, we did.

11:47:28 10 Q. And which one was that?

11:47:30 11 A. dB.

11:47:30 12 Q. Okay.

11:47:31 13 A. It was actually on -- virtually on every page  
11:47:34 14 and exhibited throughout the website.

11:47:50 15 MR. GRIGGS: Let's go off the record for a  
11:47:52 16 moment.

11:47:59 17 (A recess was taken from  
11:49:17 18 11:47 a.m. to 11:49 a.m.)

11:49:17 19 Q. (By Mr. Griggs) Who designed your website?

11:49:20 20 A. A company called MIM, I believe, and Tactico  
11:49:24 21 (phonetic) and -- anyway, two different people.

11:49:27 22 Q. An outside contractor?

11:49:28 23 A. Outside contractor, yes.

11:49:29 24 Q. And who is the owner of the website?

11:49:31 25 A. de Boulle is or I am, whichever one.

11:49:34 1 Q. Which one?

11:49:34 2 A. de Boulle is the owner.

11:49:44 3 MR. GRIGGS: Mr. Saunders, we're about to  
11:49:46 4 discuss Opposer's Exhibit 15, which I now show you.

11:49:49 5 MR. SAUNDERS: Thank you.

11:51:27 6 (Deposition Exhibit No. 15 was marked.)

11:51:27 7 Q. (By Mr. Griggs) Mr. Boulle, what is the  
11:51:32 8 website address, url address, of your website?

11:51:35 9 A. deboulle.com, D-e-b-o-u-l-l-e.com.

11:51:40 10 Q. Okay. And when was it first launched in the  
11:51:44 11 sense that it became searchable to the public?

11:51:46 12 A. 2000.

11:51:47 13 Q. Approximately --

11:51:49 14 A. Middle of -- somewhere mid to -- mid 2000, I  
11:51:53 15 think, is accurate.

11:51:54 16 Q. Let's back up for a moment.

11:51:55 17 A. June, July, August.

11:51:57 18 Q. I show you -- Mr. Boulle, I show you Opposer's  
11:52:01 19 Exhibit 15, which is a collection -- which is a download  
11:52:06 20 print from the www.deboulle.com website.

11:52:14 21 A. Yes.

11:52:15 22 Q. This is marked as Opposer's Exhibit 15, and the  
11:52:20 23 pages are Bates stamped Nos. 689, 690, 691, 703, 707,  
11:52:42 24 708, 0012, 0013, 0014, 0015, 0016, 0017, 0018, 0019,  
11:53:18 25 0020, 0021, 0022, 0023, 0024, 0025, 0026, 0027, 0028,

11:53:42 1 0029, and 0030, and ask you if you've ever seen this  
11:53:53 2 before and have you identify it.

11:53:55 3 A. Yes, I have. It's a copy of --

11:53:57 4 Q. And tell us what it is.

11:53:59 5 A. It's a copy of our website which was --

11:54:03 6 Q. A copy of --

11:54:05 7 A. Of the website.

11:54:06 8 Q. Web pages?

11:54:07 9 A. Web pages. Excuse me.

11:54:08 10 Q. That are downloaded from your website?

11:54:10 11 A. From the website and which was launched in  
11:54:12 12 2000, and this is a picture of -- one of the pictures  
11:54:17 13 where it says jewelry, I think, on the de Boulle  
11:54:19 14 collection of our jewelry of different pieces of jewelry.

11:54:22 15 Q. All right.

11:54:23 16 A. And it's got nine different styles of jewelry  
11:54:26 17 on that.

11:54:26 18 Q. Are those active in the sense you can click on  
11:54:29 19 them and they'll take you to another page?

11:54:31 20 A. That's correct. And then they'll go to a  
11:54:33 21 bigger -- they'll go to a more detailed page which is  
11:54:36 22 shown right here. One of these will show detail.

11:54:39 23 Q. Can you walk us through -- let's say that I'm a  
11:54:42 24 customer. I want to buy this ring --

11:54:44 25 A. Yes.



11:54:44 1 Q. -- or one of these rings.

11:54:46 2 A. Uh-huh.

11:54:46 3 Q. How would I -- as a customer, how would I order

11:54:50 4 it from your website?

11:54:52 5 A. You would basically click on that.

11:54:54 6 Q. And this is on what Bates stamp page?

11:54:56 7 A. This is on the de Boulle collection. That's on

11:54:59 8 your main page. I'm sorry. 00689.

11:55:03 9 Q. And which ring are you referring to?

11:55:04 10 A. The Ruby ring. This one here.

11:55:06 11 Q. And which corner is that?

11:55:07 12 A. That's on the top right-hand corner.

11:55:09 13 Q. All right. And if you click on that, what page

11:55:12 14 does it take you to?

11:55:13 15 A. Let me find that. It will basically give you a

11:55:20 16 bigger version of that ring. Okay. Here you go. It

11:55:37 17 goes to page 0030.

11:55:38 18 Q. All right. And what does that show on that

11:55:40 19 page?

11:55:41 20 A. It shows an enlarged picture of that ring.

11:55:43 21 Q. Is the price of the ring stated on that page?

11:55:45 22 A. Yes, 19,500.

11:55:48 23 Q. Is it 19,000?

11:55:51 24 A. 19,500.

11:55:53 25 Q. U.S. dollars?

11:55:55 1 A. U.S. dollars.

11:55:55 2 Q. What other information does it give you on  
11:55:57 3 there? For example, does it tell you how you can order  
11:56:01 4 that ring or how you can pay for it?

11:56:05 5 A. You know, I don't -- I'm not a computer guy.  
11:56:13 6 So I don't know where it says that, but there must be  
11:56:16 7 somewhere here. I'm sorry. Customer's first at de  
11:56:23 8 Boulle. You can dial 1-800 number to that, too.

11:56:26 9 Q. All right. Would you tell us how -- if that --  
11:56:29 10 if I were to dial that number, what would I -- who would  
11:56:33 11 I talk to on the other end?

11:56:35 12 A. You'd speak with the receptionist, who would  
11:56:37 13 then put you through to a salesperson.

11:56:39 14 Q. To an employee?

11:56:40 15 A. Employee, yes, salesperson.

11:56:42 16 Q. Okay. And what would the employee -- how would  
11:56:45 17 the employee respond?

11:56:46 18 A. He'd get on the website with you, and he'd go  
11:56:49 19 through, you know, the various stages that -- the various  
11:56:52 20 pages and walk you through it and give you the rest of  
11:56:54 21 the details.

11:56:54 22 Q. Okay. Would --

11:56:56 23 A. And tell you --

11:56:57 24 Q. How would he know my ring size?

11:57:00 25 A. Generally some people know their ring size.

11:57:04 1 Otherwise, we can send them a plastic ring estimator  
11:57:07 2 through the mail. You can do that, too, or they go to  
11:57:10 3 their local jeweler, and the jeweler measures their ring;  
11:57:13 4 and they call us with the size.

11:57:15 5 Q. Okay. And if he wanted to pay for it online,  
11:57:18 6 do you have a shopping basket that you can click on?

11:57:22 7 A. We do not have a shopping basket, no.

11:57:24 8 Q. How would he arrange payment?

11:57:26 9 A. Well, he would then just -- we've got a special  
11:57:29 10 form that we'll send him. There are so many scans now on  
11:57:33 11 the Internet, we'll send a special form, fax it to him,  
11:57:36 12 and he'll fill in all the details with a copy of his  
11:57:37 13 driver's license. He'd fax it back to us with all the  
11:57:40 14 necessary information, and then we would ship it to him.

11:57:42 15 Q. All right. Mr. Boulle, are any of your  
11:57:46 16 trademarks displayed on these pages?

11:57:48 17 A. Yes, it is. On every page it says here the  
11:57:51 18 D-flawless guarantee -- excuse me -- the de Boulle  
11:57:55 19 D-flawless guarantee with our dB logo on it.

11:57:58 20 Q. Which logo are you referring to?

11:58:00 21 A. It's the round with the dB -- small D, big B.

11:58:05 22 Q. Okay. Is that the same as shown in Opposer's  
11:58:12 23 Exhibit 8?

11:58:13 24 A. Yes, it is.

11:58:13 25 Q. All right. Is that on every page of --

11:58:20 1 A. It's on every page of our website.

11:58:22 2 Q. Is it always in the same location?

11:58:24 3 A. Always in the same location.

11:58:26 4 Q. Are there any other trademarks of yours shown

11:58:28 5 on these pages, on any of these pages?

11:58:29 6 A. Yeah, de Boulle up there.

11:58:31 7 Q. All right.

11:58:31 8 A. Top of every page, it's got de Boulle spelled

11:58:35 9 out d-e-b-o-u-l-l-e.

11:58:38 10 Q. And I ask you, is that the same shown as shown

11:58:45 11 in U.S. registration certificate No. 3,078,625?

11:58:48 12 A. Yes, it is.

11:58:48 13 Q. Opposer's Exhibit 2?

11:58:49 14 A. Yes, it is.

11:58:50 15 Q. Oh. I ask you to look on Bates stamp page 703.

11:59:26 16 May I see the exhibit again, please?

11:59:28 17 A. Yeah.

11:59:29 18 Q. Thank you. Have these web pages been

11:59:45 19 searchable from the date of launch until present?

11:59:48 20 A. Yes.

11:59:49 21 Q. Has there ever been -- has there ever been a

11:59:54 22 time, an extended period of time, the website was down?

11:59:58 23 A. No.

12:00:02 24 Q. Okay. I ask you, Mr. Boulle, to look at Bates

12:00:10 25 stamp page 0030.

12:00:13 1 A. Yeah.

12:00:13 2 Q. And read the bottom line.

12:00:22 3 A. "2000 to 2006, de Boulle Diamond and Jewelry,

12:00:25 4 Inc. Use of the site constitutes acceptance of our user

12:00:30 5 agreement. Site credits."

12:00:32 6 Q. And what symbol do you see in front of the --

12:00:34 7 A. Copyright.

12:00:35 8 Q. Is a C in a circle?

12:00:37 9 A. C in a circle, yes.

12:00:38 10 Q. Do you recognize what that means?

12:00:40 11 A. That means it's copyrighted, that our logos and

12:00:44 12 everything on there is copyrighted.

12:00:44 13 Q. Does that mean that you're claiming copyright

12:00:46 14 of the content that's shown on this web page?

12:00:49 15 A. Not on the content, but on the de Boulle and

12:00:53 16 the dB and everything else.

12:00:54 17 Q. All right. Have the images that are shown on

12:01:18 18 these web pages, have they -- have they changed from time

12:01:22 19 to time?

12:01:22 20 A. Yes, they have.

12:01:25 21 Q. Okay. And would you give a brief summary of

12:01:30 22 the types of jewelry items that are shown on these pages?

12:01:33 23 A. Yeah. You've got sapphire ring, a pearl

12:01:40 24 necklace. You've got a Ruby cabochon ring. You've got

12:01:45 25 diamond platinum earrings. You've got a fish pin made

12:01:50 1 out of opal, which I was glad to sell, emerald earrings,  
12:01:57 2 white -- 18-carat white gold and sapphire ring, diamond  
12:02:02 3 dangle earrings, and some other sapphire earrings,  
12:02:07 4 clip-on earrings. That's the first page. Obviously  
12:02:14 5 there's lots of pages. So we have lots of different  
12:02:17 6 things.

12:02:17 7 Q. Well, we've got lots of time. Would you  
12:02:19 8 discuss some of the other major items of interest that  
12:02:23 9 are shown on those pages?

12:02:24 10 A. Gold necklace, gold and diamond earrings,  
12:02:27 11 cufflinks, actually cigar cufflinks.

12:02:35 12 Q. And do you show any de Boulle proprietary  
12:02:39 13 jewelry?

12:02:39 14 A. We have the de Boulle collection and, for  
12:02:42 15 example, these cigar cufflinks we designed and made. And  
12:02:54 16 that's an estate piece. That's a piece we actually  
12:02:58 17 manufactured, but I don't think it's --

12:03:05 18 Q. All right. Is there any item of jewelry that  
12:03:08 19 you know has been excluded from your presentation that  
12:03:13 20 you just don't sell, that you don't carry?

12:03:16 21 A. The opal fish -- you mean the product? Are you  
12:03:21 22 talking about the actual product or the category?

12:03:24 23 Q. Category.

12:03:25 24 A. No. We sell all these categories.

12:03:28 25 Q. Do you sell men's jewelry?

12:03:29 1 A. Yeah, men's jewelry.

12:03:31 2 Q. And women's jewelry?

12:03:32 3 A. Women's jewelry. We sell anything related to  
12:03:36 4 jewelry really. Whatever the customer's need are we'll  
12:03:39 5 take care of from a, you know, \$25 repair to --

12:03:46 6 Q. What was -- in your business opinion, what is  
12:03:48 7 the price range, to the best of your recollection, that  
12:03:51 8 these items would be sold for?

12:03:53 9 A. On this -- on the web?

12:03:54 10 Q. On the web.

12:03:55 11 A. \$500 to \$50,000, a hundred thousand dollars.

12:04:08 12 Q. What about your -- you testified that you have  
12:04:11 13 what we call a brick and mortar retail store. What's the  
12:04:14 14 price range of items that are offered in there?

12:04:16 15 A. I mean, again -- I mean on average -- because I  
12:04:21 16 mean obviously we've got pieces --

12:04:21 17 Q. No, no, not average. I just want --

12:04:23 18 A. -- for \$300. \$300 to a million. I mean \$300  
12:04:27 19 to a million-dollar piece. We've sold some multimillion  
12:04:33 20 pieces. And we don't always have them in inventory, but  
12:04:34 21 in inventory generally we'll have, you know -- the  
12:04:35 22 majority of it would be 3,000 to a million. 3,000 to  
12:04:40 23 three million really would be the range.

12:04:41 24 Q. Who are your typical customers that go to your  
12:04:49 25 website to order? Are they private individuals?

12:04:53 1 Corporations?

12:04:53 2 A. Private individuals.

12:04:55 3 Q. Groups?

12:04:55 4 A. Private individuals mostly.

12:04:57 5 Q. Okay. What about your store operation?

12:05:01 6 A. Private individuals mostly.

12:05:02 7 Q. Do you do any wholesale through your web page?

12:05:07 8 A. We've done wholesale through the pre-owned

12:05:11 9 watches sometimes. We've sold pre-owned watches on

12:05:14 10 there. So we've done wholesale, but predominantly

12:05:18 11 retail.

12:05:18 12 Q. Okay. In your retail store operation, do you

12:05:21 13 do wholesale trading?

12:05:22 14 A. That's correct. On estate pieces, on pre-owned

12:05:26 15 watches, we will sell to the trade.

12:05:29 16 Q. And how does that work, your wholesale

12:05:32 17 operation?

12:05:32 18 A. Basically dealers will come in from around the

12:05:34 19 country. They'll travel the country, and they'll come

12:05:36 20 and look at our selection, and then they'll order it, or

12:05:39 21 they'll, you know, sometimes find us on line, or they'll

12:05:42 22 just know us through the years and call us and say, What

12:05:44 23 do you have in this watch or this piece of jewelry? So

12:05:49 24 various ways. There's not really one -- one way.

12:05:53 25 Q. Would you explain, discuss, again, how you



12:06:02 1 handle sales to corporate accounts?

12:06:05 2 A. Okay. Somebody will call us and say, We're  
12:06:11 3 thinking about giving a present to people who have been  
12:06:16 4 there for 20 years or ten years or whatever the occasion  
12:06:19 5 it might have been. And if it's a big corporation, that  
12:06:22 6 will involve lots of people.

12:06:24 7 And so they will buy 20 watches from us or 20  
12:06:29 8 pieces of jewelry, depending if it's a man or a woman.  
12:06:32 9 It could be a watch for a man and a woman. And a lot of  
12:06:35 10 times they'll use Rolexes, but we've used a lot of  
12:06:39 11 different brands to accommodate that.

12:06:42 12 Q. Mr. Boulle, to your personal knowledge, has the  
12:06:50 13 trademark that's shown, the dB trademark, has it always  
12:06:55 14 been displayed in this manner on your website?

12:07:00 15 A. Yes, it has.

12:07:05 16 Q. And if we were to log on today, we would find  
12:07:08 17 it there?

12:07:08 18 A. That's correct.

12:07:08 19 Q. It's completely searchable?

12:07:10 20 A. That's correct.

12:07:11 21 Q. Does -- is it open to the public in the sense  
12:07:14 22 that you can click on to your -- go to that address, your  
12:07:18 23 website address, and the ordinary customer, private  
12:07:23 24 individual, can look at your web catalog?

12:07:25 25 A. Yes.

12:07:25 1 Q. You don't need a subscription?

12:07:27 2 A. Correct.

12:07:28 3 Q. You don't need a pass code?

12:07:30 4 A. No. Just click on it, and it goes on there.

12:07:34 5 Q. Okay. Are there any restrictions whatsoever on

12:07:40 6 who you sell to through your --

12:07:41 7 A. No, not at all.

12:07:42 8 Q. Are there any restrictions whatsoever on who

12:07:44 9 you sell your products, jewelry products, to in your

12:07:48 10 retail store business?

12:07:50 11 A. Again, I won't get into details, but, for

12:07:54 12 example, we can't sell on the brand on the watches. We

12:07:57 13 can't sell to other dealers. So there are restrictions

12:08:00 14 on that. They can only be sold to privates.

12:08:03 15 Q. Okay.

12:08:06 16 A. Because that's called gray marketing.

12:08:08 17 Q. Mr. Boulle, does this -- Opposer's Exhibit 15,

12:08:16 18 does this recollect your -- does this refresh your

12:08:20 19 recollection of when you first started using the dB logo?

12:08:24 20 A. Yes.

12:08:24 21 Q. The trademark?

12:08:25 22 A. That's correct. This was the start of our

12:08:27 23 branding when we wanted to start, you know --

12:08:31 24 corporations have a name and then the logo. So that was

12:08:34 25 the start where we designed and implemented the branding

12:08:39 1 of de Boulle.

12:08:39 2 Q. Okay. And what's the approximate date that  
12:08:43 3 this became searchable for the first time --

12:08:45 4 A. Mid 2000.

12:08:46 5 Q. -- to the public?

12:08:47 6 A. Yes, 2000.

12:08:48 7 Q. Okay. And when was -- what was the approximate  
12:08:51 8 date you had your first sales of products through your  
12:08:53 9 website?

12:08:54 10 A. It would be in 2000 some time. Whether it was  
12:09:01 11 third quarter, fourth quarter, I don't remember.

12:09:03 12 Q. Okay. Would that have been local in the Dallas  
12:09:06 13 area and Texas customers or out of state or both?

12:09:08 14 A. Probably both. I can't remember, to be honest  
12:09:11 15 with you, on the month, the details on that.

12:09:13 16 Q. Do you have any restrictions on out-of-state  
12:09:16 17 sales?

12:09:16 18 A. No.

12:09:20 19 Q. Is there a state that you have -- that you have  
12:09:25 20 not sold products -- delivered products to?

12:09:28 21 A. I think we have sold to most states, yes.

12:09:34 22 Q. You were discussing the corporate account. How  
12:09:41 23 do you approach the corporate -- your corporate  
12:09:45 24 customers? How do you build a relationship with them?

12:09:47 25 A. You know, we used to have a corporate division

12:09:49 1 before, and that was how we used to contact them. But a  
12:09:54 2 lot of times it will be -- we deal with a lot of very  
12:09:57 3 successful people who own their businesses, and so --  
12:10:00 4 that own their businesses. So then we would use that --  
12:10:03 5 you know, they would call us and say, Hey, this is going  
12:10:06 6 on.

12:10:06 7 So a lot of times it's through -- it can be a  
12:10:08 8 referral through a manufacturer, you know, like Patek  
12:10:13 9 Philippe. It could be a referral through a customer, or  
12:10:16 10 it could be a -- somebody searches us and finds us  
12:10:19 11 online. So it could be a myriad of things.

12:10:29 12 (Deposition Exhibit No. 16 was marked.)

12:10:29 13 MR. GRIGGS: Mr. Saunders, we're now going  
12:10:31 14 to talk about Opposer's Exhibit 16.

12:10:35 15 MR. SAUNDERS: Can we go off the record  
12:10:36 16 for just a --

12:10:36 17 (A recess was taken from  
12:22:33 18 12:10 p.m. to 12:22 p.m.)

12:22:45 19 Q. (By Mr. Griggs) Mr. Boulle, we were discussing  
12:22:51 20 Opposer's Exhibit 15.

12:22:52 21 A. Yeah.

12:22:53 22 Q. And this will refresh where we are. You have  
12:23:01 23 looked -- viewed each one of these pages previously in  
12:23:06 24 our earlier discussion. Do you recognize these pages as  
12:23:11 25 being taken, downloaded from your website?

12:23:15 1 A. Yes. That's correct.

12:23:16 2 Q. How can you tell that they're yours?

12:23:19 3 A. I recognize the jewelry and obviously the de  
12:23:22 4 Boulle collection on top. It's got de Boulle on the  
12:23:24 5 left. It's got our de Boulle bug on the left at the  
12:23:27 6 bottom. I mean it's got de Boulle on it everywhere.

12:23:29 7 Q. Who made these downloads for you?

12:23:32 8 A. Who made these downloads for me? One of my  
12:23:35 9 employees. These ones here, you mean? I don't know.  
12:23:38 10 One of my employees. I don't know exactly.

12:23:40 11 Q. Is there any doubt in your mind that these are  
12:23:51 12 accurate downloads from your website?

12:23:53 13 A. No. I mean they're a hundred percent accurate  
12:23:57 14 downloads.

12:24:11 15 Q. Let's continue on with the discussion we were  
12:24:25 16 having about a customer calling in on your 800 number.

12:24:32 17 A. Yes.

12:24:32 18 Q. And we talked about order fulfillment, and  
12:24:38 19 let's say, for example, he orders a ring or a piece of  
12:24:40 20 jewelry of some kind. How would that order be fulfilled  
12:24:45 21 after he has provided you with his ring size, and how  
12:24:49 22 would you request payment from him?

12:24:51 23 A. If I back up to 2000, we had a shopping cart  
12:24:56 24 back then that did it all. But the shopping cart didn't  
12:24:59 25 work that well for us. So we changed it so that people

12:25:03 1 would call.

12:25:03 2 So basically somebody will call in. A  
12:25:06 3 salesperson would talk to them and -- or I would  
12:25:09 4 sometimes, too, help them and walk them through, and  
12:25:13 5 they'll give you their credit cards.

12:25:15 6 And then you send them some -- a fax because,  
12:25:19 7 as I said, we've been scammed, and they would fill in all  
12:25:21 8 the details that we need for them for the financial  
12:25:24 9 requirements. And then we would -- once we verified  
12:25:26 10 everything, then we would ship them the goods.

12:25:29 11 Q. And what kind of packaging would you use if  
12:25:32 12 you're shipping to somebody out of state?

12:25:34 13 A. You know, again, it depends. We would -- if  
12:25:38 14 somebody is -- a guy is buying a watch and he doesn't  
12:25:41 15 want to wrap it for himself, we would use just a -- you  
12:25:44 16 know, Rolex, and then we would -- the shipping department  
12:25:48 17 upstairs would use the de Boulle paper, you know. So  
12:25:51 18 they'd use that de Boulle --

12:25:52 19 Q. So you're referring to --

12:25:52 20 A. -- tissue paper.

12:25:54 21 Q. -- the tissue paper that's --

12:25:54 22 A. Correct.

12:25:54 23 Q. -- shown in Exhibit 13?

12:25:55 24 A. That's correct. They'd use the tissue paper,  
12:25:59 25 and they would -- they would ship it out. Sometimes's

12:26:03 1 they'll put a catalog inside or some paperwork inside. I  
12:26:07 2 don't know if they're still doing that, but they were  
12:26:10 3 supposed to at the time. They would be using that.

12:26:12 4 Q. And would an adhesive label showing your dB  
12:26:15 5 logo, would that be placed on it somewhere?

12:26:17 6 A. I would tell you that it depends -- not all the  
12:26:20 7 time, but it depends on the wrapping. Sometimes it would  
12:26:22 8 be, and sometimes it wouldn't be, depending on the  
12:26:24 9 wrapping.

12:26:25 10 Q. Okay. And when would it not be applied?

12:26:29 11 A. When a piece needs to be wrapped and contained,  
12:26:32 12 then it would be on the outside. But if it's just --  
12:26:36 13 imagine -- I'm sorry. Obviously you're not filming this,  
12:26:39 14 but here's the box, and they need tissue paper around it.  
12:26:42 15 They use the tissue paper around it. There's no reason  
12:26:45 16 to use the dB at that point --

12:26:46 17 Q. Okay.

12:26:47 18 A. -- you know.

12:26:47 19 Q. Okay.

12:26:48 20 A. But most times they would use, you know, it  
12:26:53 21 where it's --

12:26:55 22 Q. So it would be immediately visible, viewable to  
12:26:59 23 the customer --

12:26:59 24 A. That's right.

12:26:59 25 Q. -- when he receives it?

12:26:59 1 A. Correct. Well, the dB paper would be, as well.  
12:27:03 2 You know, the deB tissue paper would be usable, too.  
12:27:09 3 Q. Would be viewable?  
12:27:11 4 A. Viewable. Sorry.  
12:27:13 5 Q. Okay. Would you tell me the name of your  
12:27:31 6 employee? I believe you testified that an employee  
12:27:35 7 downloaded this for you. Do you know that person's name?  
12:27:37 8 A. I don't know, sir.  
12:27:37 9 Q. Do you know what department that person would  
12:27:39 10 be in?  
12:27:40 11 A. I -- I don't know. I don't know. It could  
12:27:43 12 have been Peter. It could have been Larry. It could  
12:27:45 13 have been any one of those. It could have been my IT  
12:27:48 14 person that was with me. I don't know. I don't know.  
12:27:53 15 Q. I see this carries Bates stamps. Perhaps -- is  
12:27:59 16 it your recollection that this was actually downloaded in  
12:28:03 17 connection with another proceeding?  
12:28:04 18 A. I don't know.  
12:28:08 19 Q. You don't know?  
12:28:09 20 A. I don't know. Sorry.  
12:28:10 21 Q. All right. But do you believe -- nevertheless,  
12:28:14 22 do you believe this is a genuine collection of  
12:28:18 23 representative pages from your --  
12:28:19 24 A. Yes, I know --  
12:28:20 25 Q. -- from your present website as it exists



12:28:24 1 today?

12:28:24 2 A. Not as it exists today, because a lot of these  
12:28:27 3 pieces are sold or whatever. So --

12:28:28 4 Q. Oh, I see. Some of these are one of a kind?

12:28:31 5 A. Yes. Correct. They're gone.

12:28:31 6 Q. Okay. So you're constantly -- are you  
12:28:34 7 constantly updating --

12:28:35 8 A. Not -- we're changing. Yes, we're changing.

12:28:38 9 Q. How frequently, do you think?

12:28:40 10 A. I don't know if it's done on a regular -- every  
12:28:47 11 six months maybe, three months, six months, depending.

12:28:49 12 Q. And do you confirm that the dB logo as shown in  
12:29:00 13 Opposer's Exhibit 8 is displayed on each and every web  
12:29:03 14 page?

12:29:03 15 A. That's correct.

12:29:04 16 Q. From the very first day that it was searchable  
12:29:11 17 until now?

12:29:11 18 A. That's correct.

12:29:12 19 Q. The display on the left -- on your left side,  
12:29:28 20 has this ever changed, this part? Is this considered  
12:29:32 21 boilerplate, or does this change from time to time?

12:29:34 22 A. No. That stays exactly the way it is. It's a  
12:29:37 23 search -- I don't know what they call that, but yes,  
12:29:37 24 that's the way it's always been and still is.

12:29:40 25 Q. Okay. Was this part -- this part I'm looking

12:29:43 1 at now, I'm pointing to the left-hand margin --

12:29:45 2 A. Yes.

12:29:45 3 Q. -- that shows the logo and your information.

12:29:50 4 Is this -- is this the same as it was when this was first  
12:29:57 5 launched?

12:29:57 6 A. That's correct. Yes, it is.

12:30:05 7 Q. Has it -- your display of the products in the  
12:30:08 8 center, has this general arrangement remained the same --

12:30:13 9 A. Yes.

12:30:14 10 Q. -- down through the years?

12:30:18 11 A. That's correct.

12:30:18 12 Q. Okay.

12:30:22 13 MR. GRIGGS: Would you like to see it  
12:30:24 14 again?

12:30:24 15 MR. SAUNDERS: No. I'm okay with it.

12:30:26 16 MR. GRIGGS: We offer Opposer's Exhibit  
12:30:28 17 15.

12:30:29 18 MR. SAUNDERS: We object on the basis of  
12:30:31 19 authenticity and foundation.

12:30:42 20 Q. (By Mr. Griggs) Returning now to our  
12:30:52 21 discussion about your corporate accounts, I show you  
12:30:55 22 Opposer's Exhibit 16 and ask you to identify it, if  
12:30:59 23 you've ever seen it before.

12:31:00 24 A. Yes.

12:31:00 25 Q. And what is it?

12:31:02 1 A. This is when we --

12:31:03 2 Q. Tell us what it is first.

12:31:05 3 A. It's a corporate catalog to get corporate  
12:31:07 4 business.

12:31:07 5 Q. Is it in the nature of a promotional package?

12:31:09 6 A. It's a promotional package that shows all the  
12:31:12 7 offerings.

12:31:12 8 Q. And what does it contain?

12:31:13 9 A. It contains a letter saying, "Dear corporate  
12:31:16 10 client," outlining our offerings to them should they need  
12:31:20 11 them, you know, for the -- for business gifts,  
12:31:25 12 anniversary gifts, corporate special events, sales  
12:31:29 13 achievements, et cetera.

12:31:31 14 And then on the right, it has one, two -- seven  
12:31:35 15 separate sheets of promotional material which basically  
12:31:39 16 spells out all the different products we can access for  
12:31:43 17 them from men's accessories to trophies, crystal awards,  
12:31:48 18 timepieces, et cetera, jewelry.

12:31:50 19 Q. And how do you determine who to send -- do you  
12:31:58 20 have -- send this to established accounts?

12:32:00 21 A. No. This would be getting new accounts. This  
12:32:03 22 would be to get new accounts.

12:32:04 23 Q. Does your -- are any of your trademarks  
12:32:09 24 displayed on these materials?

12:32:10 25 A. Yes. On the top left-hand side as soon as you

12:32:14 1 open it, it has the de Boulle. And then underneath it  
12:32:16 2 has jewelry, diamonds, fine art, timepieces. And in the  
12:32:20 3 center of that, it has the de Boulle bug, the de Boulle  
12:32:23 4 logo.

12:32:23 5 Q. That's the deB?

12:32:25 6 A. DeB logo. That's correct.

12:32:26 7 Q. And you're -- the page that you're holding in  
12:32:30 8 your hand that you're referring to, is that on your  
12:32:33 9 letterhead?

12:32:33 10 A. That's on our letterhead. That's correct.

12:32:36 11 Q. All right. And that's in the left-hand pocket  
12:32:38 12 of that folder?

12:32:39 13 A. That's the left-hand pocket. There's actually  
12:32:42 14 a space here for a business card.

12:32:44 15 Q. When did you first start using this  
12:32:46 16 presentation package?

12:32:47 17 A. 2004, I believe. 2003, 2004.

12:32:50 18 Q. And is it -- do you use it today?

12:32:53 19 A. Not really, no.

12:32:54 20 Q. When did you stop using it?

12:32:58 21 A. Occasionally. You know, we -- we're not  
12:33:00 22 focusing as much on this. We found it to be a very hard  
12:33:03 23 business to get into, the corporate business. So we've  
12:33:08 24 kind of taken focus off this corporate -- we still do  
12:33:11 25 corporate business, but we don't chase it as hard.

12:33:14 1 Q. Do you have an occasion to still send it out?  
12:33:16 2 Do you stock an inventory of these presentation packages  
12:33:19 3 that you draw from?

12:33:20 4 A. Yes, we do. I don't know where they are, but  
12:33:24 5 yes, we do. We haven't used them recently.

12:33:27 6 Q. Okay.

12:33:28 7 A. We've also got -- on the bottom of the right  
12:33:30 8 hand, we've got the de Boulle logo on every page, I  
12:33:32 9 believe. Well, not on every page.

12:33:34 10 Q. That's the deB logo?

12:33:36 11 A. Yeah, the deB logo.

12:33:36 12 Q. And that's in the lower margin of that page?

12:33:40 13 A. That's correct.

12:33:41 14 Q. And would you summarize just briefly what those  
12:33:45 15 six or seven pages talk about or show and the purpose for  
12:33:53 16 giving that information?

12:33:54 17 A. The first page is the de Boulle corporate gifts  
12:33:58 18 services. It basically says on the services we offer to  
12:34:01 19 corporations from business gifts to meeting and  
12:34:06 20 conference gifts. They have custom designs where we  
12:34:10 21 custom make pieces for them or custom emboss pens to  
12:34:14 22 Baccarat or anything else.

12:34:16 23 Then we have men's and women's accessories,  
12:34:18 24 which is predominantly jewelry for men and jewelry for  
12:34:22 25 women, as well as boxes, office accessories, which are

12:34:28 1 really just gifts, silverware mostly, plates, trophies on  
12:34:37 2 the next page, which is, again, crystal and silver  
12:34:39 3 trophies where you can engrave pieces, crystal awards,  
12:34:44 4 which are pens and -- pens and crystal obelisks which can  
12:34:50 5 be engraved again and then timepieces, which are actually  
12:34:53 6 watches and clocks.

12:34:54 7 Q. Who prepares these presentation packages for  
12:35:03 8 you?

12:35:10 9 A. Probably right now if we -- actually as I said,  
12:35:12 10 we're not using them. Back then it would have been  
12:35:16 11 Michael Bertilow (phonetic), but right now I'd ask Alan  
12:35:19 12 probably or Nicole, first assistant.

12:35:20 13 Q. Let me show you the last of the back page.  
12:35:23 14 That address shown there, is that your current address?

12:35:25 15 A. That is correct.

12:35:25 16 Q. And your -- the -- it shows the deB --

12:35:30 17 A. Yes, it shows that, and it shows --

12:35:30 18 Q. -- trademark?

12:35:32 19 A. That's correct. The deB trademark plus the  
12:35:36 20 deboulle.com.

12:35:36 21 Q. Okay.

12:35:39 22 MR. GRIGGS: We offer Opposer's Exhibit  
12:35:43 23 16.

12:35:43 24 MR. SAUNDERS: No objection.

12:35:56 25 Q. (By Mr. Griggs) Mr. Boulle, do you ever have

12:35:58 1 an occasion to make a direct sale, yourself?

12:36:01 2 A. Yes, lots of them.

12:36:02 3 Q. How do you introduce yourself to a customer  
12:36:05 4 that you're going to make a direct sale to?

12:36:07 5 A. I'm Denis Boulle.

12:36:08 6 Q. Do you carry advertising materials with you?

12:36:11 7 A. Business cards. I'll have business cards.

12:36:44 8 (Deposition Exhibit No. 17 was marked.)

12:36:44 9 MR. GRIGGS: Mr. Saunders, we're now  
12:36:46 10 talking about Opposer's Exhibit 17.

12:37:16 11 Q. (By Mr. Griggs) Mr. Boulle, I show you  
12:37:18 12 Opposer's Exhibit 17 and ask you to -- first if you  
12:37:21 13 recognize it; and, if so, I'd like you to identify it.

12:37:24 14 A. Yeah. This is my business card, and it's got  
12:37:28 15 the de Boulle logo on the top spelled out, as well as the  
12:37:33 16 de Boulle deB logo on the bottom. It says, "Jewelry,  
12:37:40 17 diamonds, fine art, timepieces." And it's also  
12:37:43 18 deboulle.com, as well as the address and telephone  
12:37:46 19 numbers.

12:37:47 20 Q. Who prints these for you?

12:37:51 21 A. I'm sorry. I don't know. It's an outside  
12:37:54 22 contractor, yes.

12:37:54 23 Q. Does someone on staff order these for you?

12:37:57 24 A. Yes, they do.

12:37:59 25 Q. All right. Do you carry these in your wallet

12:38:01 1 or your shirt pocket?

12:38:02 2 A. Wallet or -- both sometimes.

12:38:03 3 Q. And when would you have an occasion to give one  
12:38:07 4 of these to a prospective customer?

12:38:09 5 A. I mean I can meet people and -- you know,  
12:38:13 6 Dallas is very friendly. So I give them out all the  
12:38:16 7 time.

12:38:16 8 Q. Can you give us an example of when you use this  
12:38:18 9 card and it produced a big sale for you?

12:38:21 10 A. I mean there's been so many, it's hard to think  
12:38:29 11 of one sale, you know.

12:38:30 12 Q. Just one recent sale.

12:38:33 13 A. When I was in Mexico on vacation, I gave a  
12:38:48 14 card, and a guy came and bought some -- a watch and  
12:38:51 15 jewelry from me. I can't think of a specific person, but  
12:38:54 16 if that's what you need --

12:38:56 17 Q. Let me ask you to state for the record --

12:38:58 18 A. Several times.

12:38:59 19 Q. -- if this card shows -- makes any reference to  
12:39:03 20 any product that you sell or your service.

12:39:08 21 A. Yes. It talks about jewelry, diamonds, fine  
12:39:10 22 art, timepieces.

12:39:11 23 Q. Does it show an image of your store?

12:39:13 24 A. Yes, it does.

12:39:14 25 Q. Is that an accurate image of your store?



12:39:17 1 A. That is correct, yes.

12:39:18 2 Q. Does it give the address -- does it give your  
12:39:19 3 retail store address?

12:39:20 4 A. Yes, it does.

12:39:21 5 Q. Okay.

12:39:35 6 MR. GRIGGS: Okay. We offer Opposer's  
12:39:37 7 Exhibit 17.

12:39:39 8 MR. SAUNDERS: No objection.

12:39:48 9 Q. (By Mr. Griggs) When did you first start using  
12:39:53 10 this particular card?

12:39:54 11 A. In 2000 -- in 2001 -- excuse me -- when the  
12:39:56 12 store opened.

12:39:57 13 Q. Which -- do you -- have you used this card at  
12:40:01 14 least once or twice each year since --

12:40:03 15 A. Oh, I give out boxes of them through the year.

12:40:06 16 Q. Have you had continuous use since --

12:40:09 17 A. Yeah.

12:40:09 18 Q. -- 2000 --

12:40:10 19 A. I've given out thousands.

12:40:11 20 Q. Okay. And do you -- you're presently using it  
12:40:14 21 today?

12:40:14 22 A. Yes.

12:40:14 23 (Deposition Exhibit No. 18 was marked.)

12:41:30 24 MR. GRIGGS: Mr. Saunders, I show you  
12:41:32 25 Opposer's Exhibit 18.

12:42:04 1 Q. (By Mr. Griggs) Mr. Boulle, I show you  
12:42:06 2 Opposer's Exhibit 18 and ask you if you've ever seen it  
12:42:09 3 before; and, if so, would you identify it?

12:42:11 4 A. Yes. This was an invitation. On the top it  
12:42:16 5 says, "A New Era of de Boulle" again. We were exposing  
12:42:20 6 the new store. It's got the de Boulle logo on the top  
12:42:23 7 with the de Boulle bug, the de Boulle deB, and it talks  
12:42:28 8 about jewelry, diamond, fine art, timepieces.

12:42:31 9 Now, we did this in conjunction with Ferrari of  
12:42:34 10 Dallas to bring out the new -- to exhibit the new 360  
12:42:38 11 Ferrari Modena. That's the model. The 360 is the model.  
12:42:46 12 And on the inside, it's got the picture of the new  
12:42:48 13 Ferrari Spider and the invitation to the party, which  
12:42:53 14 actually was a lot of fun.

12:42:55 15 Q. This is in the nature of an announcement or an  
12:42:59 16 invitation?

12:43:00 17 A. It's really just a party at the store to --  
12:43:03 18 because nobody had seen this car. So it was the first  
12:43:06 19 viewing of this car in Dallas. So they came down, did a  
12:43:09 20 party, and Gesepe Reseo (phonetic), who owned the  
12:43:13 21 dealership at the time, was a friend.

12:43:15 22 Q. When was this particular piece distributed?

12:43:17 23 A. I can't remember. It's '02 or '03. 2002 or  
12:43:22 24 2000 -- I don't remember exactly. It was --

12:43:26 25 Q. Well, it was at least as early as 2003?

12:43:29 1 A. At least, yeah. 2002 maybe.

12:43:33 2 Q. And who produced this piece for you? Was it  
12:43:39 3 done in-house, or did you --

12:43:40 4 A. No. It's outside, contracted outside.

12:43:43 5 Q. And do you -- is this -- do you do this kind of  
12:43:50 6 thing -- you send out these announcements currently?

12:43:53 7 A. Yes. We do different -- it's co-branding, I  
12:43:56 8 call it, with different people in town. So we do it  
12:43:59 9 with --

12:43:59 10 Q. And how frequently do you do that?

12:44:02 11 A. With other manufacturers like this, maybe twice  
12:44:06 12 a year. We have lots of parties. We might have six to  
12:44:09 13 ten parties a year, but actually co-branding with car  
12:44:13 14 companies, et cetera, would be two or three a year,  
12:44:16 15 estimating.

12:44:16 16 Q. Okay. When was the last one that you sent out,  
12:44:20 17 and what was the promotion or the co-branding  
12:44:24 18 opportunity?

12:44:24 19 A. We're actually doing one right now with Aston  
12:44:27 20 Martin. We're putting one together right now with Aston  
12:44:31 21 Martin on the car front.

12:44:33 22 Q. And will it be distributed just locally to  
12:44:36 23 customers in -- existing customers in the Dallas area, or  
12:44:40 24 who do you invite?

12:44:41 25 A. You know, we would -- something like this, we

12:44:44 1 would invite our best customers, and they would invite  
12:44:47 2 their best customers. So we would share mailing lists  
12:44:50 3 basically so we would be exposed to their customers, our  
12:44:53 4 customers and, also, because it's a fun promotion.

12:44:55 5 So we would actually send it out to -- to keep  
12:44:57 6 in touch with our customers, we would send it to people  
12:44:58 7 out of state, you know, even though we know they won't  
12:45:02 8 come, but it's a good way of keeping in touch with them.

12:45:04 9 Q. Did you personally approve this before it was  
12:45:07 10 released?

12:45:08 11 A. Yes.

12:45:08 12 Q. Is that a regular business practice on your  
12:45:12 13 part, to approve everything that's presented to the  
12:45:15 14 customer?

12:45:15 15 A. Yeah, 99 times or 95 times, whatever it is, the  
12:45:20 16 majority of the time. Yeah. It was a fun party.

12:45:28 17 Q. There's a building that's shown on the front of  
12:45:34 18 this invitation. Would you tell us what that represents,  
12:45:39 19 that image?

12:45:39 20 A. That's a line drawing of actual -- of the  
12:45:41 21 building rather than a photograph. That's a line drawing  
12:45:44 22 of the artist's rendering of the building.

12:45:46 23 Q. That's your retail store?

12:45:47 24 A. That's the -- of the store. That's correct.

12:45:49 25 Q. Was that at one time a residence that's been

12:45:51 1 converted?

12:45:52 2 A. No. We actually made it -- we wanted to create  
12:45:55 3 -- when we built the store, we wanted to be like a home.  
12:45:58 4 We wanted to create a different ambience. So we built  
12:46:01 5 it --

12:46:01 6 Q. So are you saying --

12:46:01 7 A. -- like a house and a home so it would look --

12:46:03 8 Q. Are you saying you designed it?

12:46:05 9 A. That's correct. I designed it. I won't say  
12:46:08 10 me. I would say my wife.

12:46:10 11 Q. On the actual building, itself, is there any  
12:46:14 12 signage that shows any of your trademarks?

12:46:16 13 A. Yes. There's the de Boulle actually in the  
12:46:20 14 center of the building on the signage, and then there's  
12:46:23 15 de Boulle on all the awnings. So there would be de  
12:46:26 16 Boulle on all the awnings.

12:46:27 17 Q. Okay. And has it been -- and when was the  
12:46:30 18 building first opened to the public?

12:46:33 19 A. We bought it beginning of 2000. We were open  
12:46:37 20 2001, May -- I believe April, May 2001.

12:46:41 21 Q. Has there been any period when the -- any  
12:46:44 22 extended period of time when the building was closed?

12:46:47 23 A. No.

12:46:47 24 Q. Is it generally open to the public, or do you  
12:46:55 25 need an appointment?

12:46:56 1 A. It's open to the public.

12:46:58 2 Q. Walk-in?

12:46:58 3 A. Walk-in.

12:47:03 4 MR. GRIGGS: We offer Opposer's Exhibit  
12:47:05 5 18.

12:47:09 6 MR. SAUNDERS: This doesn't bear a Bates  
12:47:11 7 stamp number. Was this previously produced?

12:47:16 8 MR. TREDOUX: Yes. I can give you the  
12:47:19 9 reference.

12:47:41 10 MR. SAUNDERS: Can we take another  
12:47:43 11 five-minute break?

12:47:45 12 MR. GRIGGS: Okay.

12:47:45 13 (A recess was taken from  
12:56:18 14 12:47 p.m. to 12:56 p.m.)

12:56:36 15 MR. GRIGGS: Okay. We offer Opposer's  
12:56:38 16 Exhibit 18. Mr. Saunders, we're going to talk about  
12:57:25 17 Opposer's Exhibit 19.

12:57:31 18 (Deposition Exhibit No. 19 was marked.)

12:58:09 19 MR. GRIGGS: Off the record for a moment.

12:58:12 20 (Off-the-record discussion was held.)

12:58:25 21 Q. (By Mr. Griggs) Mr. Boulle, I show you  
12:58:29 22 Opposer's Exhibit 19 and ask you if you recognize it;  
12:58:33 23 and, if so, tell us what it is.

12:58:35 24 A. This was an invitation for Cattle Barons Ball,  
12:58:43 25 which is a big charity in town. We do a lot of charity

12:58:46 1 work in terms of hosting parties for them, and this was  
12:58:49 2 in 2001. It's got the picture of the building on the  
12:58:53 3 outside. Again, it -- an artist's rendering.

12:58:58 4 And on the inside, it says, "Denis and Karen  
12:59:01 5 request your presence for a cocktail reception in our new  
12:59:05 6 location." And it's got the de Boulle logo, as well as  
12:59:09 7 the de Boulle deB logo, and it says, "Jewelry, fine arts,  
12:59:14 8 timepieces." It's got the web page and the telephone  
12:59:19 9 number --

12:59:19 10 Q. And would --

12:59:21 11 A. -- and the address.

12:59:21 12 Q. Who would this be sent to?

12:59:23 13 A. This was sent to our own customers, as well as  
12:59:26 14 to the -- I think it's the major donors to Cattle Barons.  
12:59:34 15 So the people who donated money to -- that's their way --  
12:59:37 16 Cattle Barons uses this as a way to say thank you to  
12:59:40 17 their clients. And on the back, we have the picture of  
12:59:42 18 the upstairs balcony of the store and, also, the deB  
12:59:48 19 logo.

12:59:48 20 Q. Who designed this piece?

01:00:07 21 A. Probably my marketing -- it was my marketing  
01:00:10 22 person at the time.

01:00:11 23 Q. Did you approve this design before it was  
01:00:14 24 printed?

01:00:14 25 A. I'm sure I did, yes. It's hard -- I do a lot

01:00:20 1 of advertising. So specifically did I -- can I tell you  
01:00:24 2 a hundred percent? No. But chances are I did, yes, look  
01:00:29 3 at every piece.

01:00:29 4 Q. Well, do you recognize this as being the  
01:00:31 5 genuine article that was sent to your customer list?

01:00:34 6 A. Oh, yes. A hundred percent, yes, it's our  
01:00:36 7 piece.

01:00:36 8 Q. And was this a one-time mail -- a one-time  
01:00:40 9 event?

01:00:40 10 A. It was a one-time event.

01:00:42 11 Q. Okay.

01:00:42 12 A. We did it again, I think, a year or two later  
01:00:46 13 again with the Cattle Barons.

01:00:47 14 Q. Do you do anything like this in connection with  
01:00:49 15 other charitable organizations?

01:00:51 16 A. Yes, we do.

01:00:52 17 Q. And who are they?

01:00:53 18 A. I'll give you a list afterwards, because  
01:00:56 19 they're too many to mention. There's probably 30 of them  
01:00:58 20 through the years, either repeats or the same ones.

01:01:00 21 Q. What kind of notice would you send to them?

01:01:03 22 A. It would be a similar invitation. We would  
01:01:05 23 actually craft -- it wouldn't be this format. It would  
01:01:07 24 be a different format over the years.

01:01:08 25 Q. The event, would it be held in -- on -- on site



01:01:11 1 in your store?

01:01:12 2 A. That's correct.

01:01:13 3 Q. Do you have a party room?

01:01:15 4 A. Actually the whole store becomes a party. So  
01:01:17 5 people wander around. The ladies can look at the  
01:01:21 6 jewelry, and the men can drink fine wine or scotch,  
01:01:25 7 whatever they want to. So it lends itself very much to a  
01:01:31 8 hosting event, which we've done many of over the years.

01:01:35 9 Q. Okay.

01:01:45 10 MR. GRIGGS: We offer Opposer's Exhibit  
01:01:48 11 19.

01:01:50 12 MR. SAUNDERS: No objection.

01:02:11 13 (Deposition Exhibit No. 20 marked.)

01:02:11 14 MR. GRIGGS: Mr. Saunders, I show you  
01:02:14 15 Opposer's Exhibit 20.

01:02:25 16 Q. (By Mr. Griggs) Mr. Boulle, I show you  
01:02:28 17 Opposer's Exhibit 20 and ask you if you recognize it;  
01:02:31 18 and, if so, tell us what it is.

01:02:33 19 A. This is a card that we use to send out to our  
01:02:36 20 customers after they purchase something. We've actually  
01:02:40 21 used it, as well, to overprint on it to invite them to  
01:02:44 22 parties or different events.

01:02:45 23 So we've used it for a myriad -- and it was --  
01:02:50 24 this was in 2001 when we did this, because this was used  
01:02:53 25 as thank you notes, as I said, for customers,

01:02:55 1 invitations.

01:02:56 2 Q. And the inside appears to me to be blank. What  
01:03:00 3 would you include? Is something included in there?

01:03:02 4 A. Your business card sometimes, or you'd write  
01:03:05 5 thank you notes, Dear John, thank you, my business card  
01:03:09 6 or the salespeople business cards. And on the back of  
01:03:11 7 here, we have, again, the de Boulle logo with the deB and  
01:03:15 8 the offerings that we give, jewelry, diamonds, fine art,  
01:03:18 9 and the deboulle.com.

01:03:21 10 Q. Did you participate in the design of this thank  
01:03:24 11 you note, or did you approve it?

01:03:25 12 A. I approved it, yes.

01:03:27 13 Q. And was this printed in-house or through a  
01:03:30 14 contractor?

01:03:30 15 A. Through an outside contractor.

01:03:31 16 Q. Was this -- is this a card that you use over  
01:03:37 17 and over in connection with different events --

01:03:40 18 A. Yes.

01:03:41 19 Q. -- or is it a one-time mailing?

01:03:43 20 A. It was used over and over again.

01:03:44 21 Q. Have you used it recently?

01:03:46 22 A. Yes, we have. Yes.

01:03:47 23 Q. Do you recall the year that you --

01:03:50 24 A. No.

01:03:50 25 Q. -- that the card was first printed and sent to

01:03:53 1 a customer?

01:03:53 2 A. 2001 after the opening of the store, we used  
01:03:57 3 it.

01:03:58 4 Q. Did you send any of these cards in 2002 to a  
01:04:02 5 customer?

01:04:02 6 A. Yes.

01:04:03 7 Q. 2003?

01:04:04 8 A. Yes.

01:04:05 9 Q. 2004?

01:04:06 10 A. I'm trying to remember if there's a point when  
01:04:16 11 we ran out of these and reprinted. Was there one time?  
01:04:19 12 Not for a year, but yes, we did. We kept on using.  
01:04:22 13 We've used it all the way through.

01:04:23 14 Q. Do you replenish your stock when you run out?

01:04:26 15 A. Correct.

01:04:27 16 Q. Have you sent a mail recently, within the last  
01:04:29 17 six months?

01:04:30 18 A. Yes.

01:04:30 19 Q. And was that to your customer list that you  
01:04:33 20 mentioned?

01:04:34 21 A. This would be used just for thank you notes  
01:04:38 22 now. We don't use it for printing anymore, just to say  
01:04:41 23 thank you.

01:04:41 24 Q. Okay.

01:04:42 25 A. So --

01:04:43 1 Q. And that would be to a recent customer?

01:04:46 2 A. Correct.

01:04:47 3 Q. Okay.

01:04:55 4 MR. GRIGGS: We offer Opposer's Exhibit  
01:04:57 5 20.

01:04:58 6 MR. SAUNDERS: No objection.

01:05:23 7 (Deposition Exhibit No. 21 marked.)

01:05:23 8 Q. (By Mr. Griggs) Mr. Boulle, tell us about your  
01:05:26 9 advertising of your store and your jewelry products and  
01:05:29 10 the different ways that you advertise just generally.

01:05:36 11 A. We would use TV, radio. I mean we use every  
01:05:40 12 medium. I think we just about use -- billboards.

01:05:43 13 Q. Would that include a newspaper?

01:05:45 14 A. Newspaper. That's correct.

01:05:46 15 Q. What newspaper do you advertise in?

01:05:48 16 A. Dallas Morning News. The only newspaper in  
01:05:51 17 town. I say that. We do Park Cities News, Park Cities  
01:05:55 18 People. We use different -- different --

01:05:56 19 Q. What kind of ad would you put -- or how would  
01:05:59 20 you advertise your product and services?

01:06:01 21 A. We would -- we do a lot of the inside, page 2,  
01:06:05 22 and we'll do general, you know, half-page ads, quarter-  
01:06:10 23 page ads, and then we've also used wrappers, you know,  
01:06:13 24 where they put in the door -- when we opened the store,  
01:06:16 25 we did that, the wrapper, one time.

01:06:18 1 Q. Mr. Saunders, I'll show you Exhibit 21.

01:06:24 2 A. You know what it is, right? The newspaper  
01:06:30 3 comes inside.

01:06:47 4 MR. SAUNDERS: Thank you.

01:06:47 5 Q. (By Mr. Griggs) Mr. Boulle, I'll show you  
01:06:50 6 Opposer's Exhibit 21 and ask you if you recognize it;  
01:06:58 7 and, if so, tell us what it is.

01:06:59 8 A. It's a wrapping that goes outside of the Dallas  
01:07:02 9 Morning News, and it's got a picture of the Patek  
01:07:05 10 Philippe watch, as well as the logo of Patek Philippe,  
01:07:09 11 both the name and then their logo.

01:07:10 12 Q. Is that Patek Philippe watch something that you  
01:07:13 13 sell in the store?

01:07:13 14 A. That's correct. It's really regarded as the  
01:07:16 15 finest watch in the world, Patek Philippe is. And then  
01:07:19 16 underneath we have the de Boulle logo spelled out, as  
01:07:21 17 well as the de Boulle logo deB inside the emerald cut.  
01:07:26 18 And then we have jewelry, diamonds, fine art, as well as  
01:07:28 19 the address and the web, deboulle.com.

01:07:31 20 Q. What's on the reverse side of it?

01:07:33 21 A. The reverse side is a picture of the building  
01:07:36 22 with product imposed into the windows, superimposed on  
01:07:43 23 the windows, and then on the left is a much bigger de  
01:07:47 24 Boulle with a bigger de Boulle logo, deB.

01:07:50 25 Q. Did you participate in or supervise and approve

01:07:53 1 this layout?

01:07:54 2 A. Yes.

01:07:54 3 Q. So do you recognize this as a genuine wrapper  
01:07:59 4 that you've used in your business?

01:08:00 5 A. Yes, I do.

01:08:02 6 Q. When did you first start using this particular  
01:08:06 7 piece?

01:08:10 8 A. This was when the store first opened. So 2001,  
01:08:16 9 2002, something like that, when the store opened, 2002  
01:08:18 10 maybe, 2001.

01:08:18 11 Q. And how frequently do you use it?

01:08:20 12 A. We actually only did one run on a Sunday with  
01:08:23 13 this. So -- I didn't like the way it presented when it  
01:08:26 14 was on my doorstep. So I stopped. It was a good idea,  
01:08:32 15 but it didn't execute well.

01:08:49 16 MR. GRIGGS: We offer Opposer's Exhibit  
01:08:51 17 21.

01:08:51 18 MR. SAUNDERS: No objection.

01:08:58 19 Q. (By Mr. Griggs) What other advertising do you  
01:09:00 20 do in newspapers? You mentioned other city newspapers.

01:09:04 21 A. We actually do estate buying. So we advertise  
01:09:07 22 in Fort Worth, and we're going to go advertise in Wichita  
01:09:12 23 Falls or wherever, different parts of -- magazines, too,  
01:09:19 24 inside the magazine.

01:09:35 25 (Deposition Exhibit No. 22 marked.)

01:09:35 1 MR. GRIGGS: Mr. Saunders, I show you  
01:09:37 2 Opposer's Exhibit 22.

01:11:39 3 (Off-the-record discussion was held.)

01:11:40 4 Q. (By Mr. Griggs) Mr. Boulle, continuing our  
01:11:41 5 discussion about your advertising in the Dallas Morning  
01:11:45 6 News, which is a local newspaper, I guess it's the only  
01:11:48 7 major --

01:11:49 8 A. The only newspaper, yes.

01:11:50 9 Q. Do you know if it has just local circulation?  
01:11:54 10 State-wide?

01:11:55 11 A. It's local, but surrounding areas, too, you  
01:11:57 12 know. So it will cover Colleyville and everywhere else.

01:12:01 13 Q. I show you Opposer's Exhibit 22 and ask you if  
01:12:04 14 you recognize it; and, if so, tell us what it is.

01:12:06 15 A. Yeah. This was sent -- this was a magazine we  
01:12:09 16 did together with the Dallas Morning News, and it was for  
01:12:11 17 the opening of the new store. It's obviously got de  
01:12:14 18 Boulle on the top and "A New Era Begins" with the de  
01:12:18 19 Boulle bug with the deB, the de Boulle logo. And this  
01:12:20 20 was in May the 3rd of 2001. So it coincided with the  
01:12:27 21 opening of the store.

01:12:28 22 Q. And was -- you say this was an insert into --

01:12:31 23 A. It was insert into the Dallas Morning News.

01:12:34 24 Q. Was that the Sunday edition?

01:12:36 25 A. Sunday edition, yes, and inside -- it's got the

01:12:40 1 pictures of the store on the inside and all the things  
01:12:42 2 that are going on. We commissioned a one-of-a-kind  
01:12:48 3 watch, and it had a little bit of the website. It's got  
01:12:53 4 welcome to deboulle.com where we were exposing that, and  
01:12:57 5 then we had the fine art division.

01:13:01 6 And then we had inside a story on Mike Modano,  
01:13:09 7 and we had -- just various stuff on the store and a  
01:13:12 8 picture of the building and the store, how it looked  
01:13:15 9 before and looked after. Do you see that? Look at the  
01:13:18 10 difference there. That's what we started off with,  
01:13:20 11 probably the ugliest building in Dallas. Look.

01:13:39 12 (Off-the-record discussion was held.)

01:13:48 13 Q. (By Mr. Griggs) Have you had an occasion to do  
01:13:51 14 a comparable insert publication for distribution?

01:13:54 15 A. I'm sorry. Can you repeat that?

01:13:55 16 Q. Have you had an occasion to do other newspaper  
01:13:59 17 inserts?

01:14:00 18 A. Yes, we have.

01:14:02 19 Q. And in what newspaper?

01:14:04 20 A. Dallas Morning -- know what? Paper City.  
01:14:07 21 Paper City.

01:14:08 22 Q. Paper City.

01:14:09 23 A. Which was a newspaper magazine which is used  
01:14:12 24 locally. We've done this with Paper City several times.

01:14:15 25 Q. Local distribution?



01:14:15 1 A. Yeah. And we've done it in other magazines.  
01:14:21 2 Brilliant Magazine, I think it's called. I could give  
01:14:23 3 you the names. I can get you the names. I mean there's  
01:14:26 4 quite a few of them.

01:14:27 5 Q. How frequently do you run an insert in the  
01:14:29 6 Dallas Morning News?

01:14:30 7 A. I think this was the only time we did that.

01:14:34 8 Q. Do you -- do you know if the Dallas Morning  
01:14:46 9 newspaper is put on -- put on -- out for reading in the  
01:14:55 10 Dallas Public Library?

01:14:57 11 A. I don't. I don't know.

01:14:58 12 Q. Do you know if it's -- if the newspaper reaches  
01:15:01 13 other libraries?

01:15:05 14 A. I'm sure it does. Actually thinking about it,  
01:15:08 15 it would be in all the libraries, I'm sure, because it's  
01:15:10 16 the only paper in town.

01:15:12 17 MR. SAUNDERS: Object to speculation.

01:15:15 18 A. But I do believe that they would be in a lot of  
01:15:23 19 places.

01:15:23 20 Q. (By Mr. Griggs) All right. Would you look at  
01:15:31 21 it again and state for the record where your trademarks  
01:15:35 22 are found and on which pages.

01:15:38 23 A. On the top it's got de Boulle in big, and then  
01:15:41 24 underneath that it's got -- on the front cover, it's got  
01:15:44 25 the deB logo. It's got de Boulle on -- d-e-b-o-u-l-l-e

01:15:54 1 spelled out on both the top pages, and it's got de Boulle  
01:16:00 2 obviously in every article heading.

01:16:03 3 It's got de Boulle on here again. It's got the  
01:16:09 4 de Boulle bug to invite us because the mayor -- we had a  
01:16:12 5 big opening with the mayor there. So that was an  
01:16:15 6 invitation we sent out to people.

01:16:18 7 It's got the de Boulle logo, deB, de -- de  
01:16:22 8 Boulle on every page and de Boulle on the back page in  
01:16:26 9 conjunction with Rolex, de Boulle and deB.

01:16:28 10 Q. Are any of your jewelry products featured in  
01:16:32 11 this?

01:16:32 12 A. Yes, they are. Estate jewelry here.

01:16:35 13 Q. What about on the back page? Does it have a  
01:16:41 14 presentation?

01:16:41 15 A. It's got a presentation of watches.

01:16:43 16 Q. And those are sold -- that brand is sold in  
01:16:45 17 your store?

01:16:46 18 A. That's correct.

01:16:46 19 Q. And which brand is that?

01:16:48 20 A. Rolex.

01:16:49 21 Q. Okay. Do you still carry Rolex?

01:16:51 22 A. Yes, we do.

01:16:55 23 Q. Now, would you tell again -- I don't recall if  
01:16:58 24 I asked this question, but do you -- how frequently do  
01:17:01 25 you do these inserts?

01:17:02 1 A. I would say, you know, we did that, an  
01:17:06 2 original, and we've probably done it through the years  
01:17:09 3 once every two years maybe. I mean it's not a -- once  
01:17:12 4 every -- yeah. I'm estimating that, you know, with  
01:17:14 5 different magazines or newspapers.

01:17:16 6 Q. And when was the last time you had an insert?

01:17:19 7 A. 2000 -- from my memory, 2006, Christmastime.

01:17:27 8 Q. Thank you.

01:17:29 9 A. Paper City, I believe.

01:17:32 10 MR. GRIGGS: We offer Opposer's Exhibit  
01:17:36 11 22.

01:17:37 12 MR. SAUNDERS: No objection to that one.

01:17:48 13 Q. (By Mr. Griggs) Do you have an occasion to  
01:17:50 14 ever advertise in an out-of-state newspaper.

01:17:52 15 A. Yes.

01:17:53 16 Q. Name one newspaper that you advertise in out of  
01:17:56 17 state, or name them all.

01:17:57 18 A. Newspaper? Sorry. Wall Street Journal, for  
01:18:01 19 example. We'll advertise in The Wall Street Journal, and  
01:18:03 20 that will go out of state. We'll advertise -- we've done  
01:18:07 21 Town & Country. We've done, I think, New York Times over  
01:18:15 22 the years, not very often.

01:18:17 23 A lot of the times they're done with  
01:18:20 24 co-branding with another manufacturer like Patek  
01:18:25 25 Philippe. A lot of those are done with other

01:18:27 1 manufacturers.

01:18:28 2 MR. GRIGGS: Mr. Saunders, we're now going  
01:18:31 3 to talk about Opposer's Exhibit 23.

01:18:33 4 (Deposition Exhibit No. 23 was marked.)

01:18:33 5 A. We do Robb Report, which will go, you know, to  
01:18:36 6 all the states. We do a lot of magazines that will do  
01:18:38 7 all the states. So -- and, again, I can give you a list  
01:18:45 8 of them, because there's quite a few of them that we do.

01:19:09 9 Q. (By Mr. Griggs) Mr. Boulle, I show you  
01:19:10 10 Opposer's Exhibit 23 and ask you if you recognize it;  
01:19:14 11 and, if so, tell us what it is.

01:19:16 12 A. Wall Street Journal, and it's an ad showing  
01:19:18 13 Girard-Perregaux, which is a watch brand we carry. And  
01:19:20 14 underneath it has de Boulle, as well as the deB logo with  
01:19:25 15 our address and telephone number.

01:19:26 16 Q. What is the date of that newspaper?

01:19:28 17 A. August 18, 2005.

01:19:30 18 Q. Does that carry a Bates stamp number?

01:19:32 19 A. Yes.

01:19:33 20 Q. What is the Bates number?

01:19:34 21 A. 00019.

01:19:54 22 MR. SAUNDERS: I need to reserve objection  
01:19:56 23 subject to cross-examination.

01:19:58 24 Q. (By Mr. Griggs) Would you explain again the  
01:20:01 25 concept of co-branding? Was this a co-branding

01:20:05 1 opportunity for you?

01:20:05 2 A. Correct. The watch companies, for example,  
01:20:07 3 will give us five percent of what we sell. So if we sell  
01:20:11 4 a million dollars a year, they'll put in \$50,000. And we  
01:20:16 5 can use that generally anywhere we want, generally  
01:20:20 6 speaking, sometimes for catalogs, sometimes for  
01:20:22 7 advertising, and they will pay half of it.

01:20:24 8 Or this one, they actually booked it,  
01:20:27 9 themselves, and they would charge us half of it. So we  
01:20:31 10 basically share the expense of advertising.

01:20:33 11 Q. How often do you advertise in The Wall Street  
01:20:37 12 Journal?

01:20:37 13 A. You know, we -- recently quite a lot. It goes  
01:20:41 14 through periods. You know, back in -- you know, we've  
01:20:43 15 been -- all through years we've been in The Wall Street  
01:20:46 16 Journal back to the '80s, early '80s, all the way  
01:20:49 17 through. So we've advertised with them a lot during the  
01:20:52 18 years.

01:20:55 19 Q. Since the year 2000, have your ads consistently  
01:20:58 20 carried one of your trademarks?

01:21:00 21 A. Yes.

01:21:01 22 Q. Which trademark?

01:21:02 23 A. It's the de Boulle with the deB logo on top of  
01:21:07 24 it. So both the logos.

01:21:09 25 Q. When's the most recent time that you ran an ad

01:21:14 1 comparable to this in The Wall Street Journal?

01:21:17 2 A. Last week, I think, with Hoopla or with one of  
01:21:21 3 the brands.

01:21:21 4 Q. It was a co-branding?

01:21:23 5 A. I was out of town last week. But in the last  
01:21:26 6 month, within the last month with the co-branding, yes.

01:21:28 7 Q. And how frequently would you say you do a  
01:21:33 8 co-branding advertising in a newspaper each year?

01:21:33 9 A. With all the different --

01:21:42 10 Q. Is it, like, a once a year or --

01:21:44 11 A. No, no. With all the different brands I have,  
01:21:46 12 we're going to be -- you know, I don't know. Twenty  
01:21:49 13 times, 30 times, depending, you know. Lots of times. I  
01:21:52 14 mean --

01:21:52 15 Q. Okay. What are the -- maybe the top two or  
01:21:57 16 three newspapers that have the -- in your view, the  
01:21:59 17 largest circulation that you advertise in?

01:22:04 18 A. Locally the Dallas Morning News again, the only  
01:22:06 19 game in town, and then the Wall Street Journal is the one  
01:22:09 20 we like.

01:22:16 21 MR. GRIGGS: Have you seen this yet?

01:22:18 22 MR. SAUNDERS: I've seen it. I've seen  
01:22:20 23 it, and I'm going to reserve the right to object.

01:22:25 24 MR. GRIGGS: We offer Opposer's Exhibit  
01:22:27 25 23. Let's talk about Opposer's Exhibit 24.

01:23:05 1 (Deposition Exhibit No. 24 was marked.)

01:23:05 2 Q. (By Mr. Griggs) Mr. Boulle, I show you  
01:23:08 3 Opposer's Exhibit 24 and ask you if you recognize it;  
01:23:11 4 and, if so, tell us what it is.

01:23:12 5 A. That's an ad in the Dallas Morning News. It  
01:23:15 6 says here 10/14/05, and it's a Patek Philippe ad with a  
01:23:21 7 watch, annual calendar, with a tag line. And underneath  
01:23:25 8 that you have the deB logo inside the emerald cut, and  
01:23:31 9 then you have the de Boulle name with the address and  
01:23:33 10 telephone number.

01:23:33 11 Q. Okay. The date that you gave, was it October  
01:23:36 12 the 10th?

01:23:37 13 A. October the 14th.

01:23:38 14 Q. 14th?

01:23:39 15 A. 2005.

01:23:39 16 Q. 2005. And is this an accurate representation  
01:23:46 17 of the ad as it ran in the newspaper?

01:23:48 18 A. That's correct. Yes. That's exact.

01:23:51 19 Q. And did you approve this presentation before it  
01:23:52 20 was released to the newspaper?

01:23:57 21 A. That particular one, probably not because it's  
01:24:00 22 pretty boilerplate. You know, we just insert the logo,  
01:24:03 23 and we use their ads.

01:24:04 24 Q. Was it --

01:24:05 25 A. So it's actually not our photography. This is

01:24:07 1 their work, and we insert our ad, our logo.

01:24:07 2 Q. All right. But you would have approved this --

01:24:11 3 A. So I would have approved -- I would have  
01:24:12 4 approved that they would have been in the Dallas Morning  
01:24:15 5 News, and obviously that's more standard.

01:24:16 6 Q. The presentation of your trademark --

01:24:18 7 A. Correct.

01:24:18 8 Q. -- the two trademarks?

01:24:19 9 A. Yeah. It's standardized, more or less.

01:24:21 10 Q. Is there any reason that you can think of that  
01:24:25 11 would make you doubt that this is an accurate, genuine  
01:24:30 12 reproduction of the ad that appeared?

01:24:33 13 A. No.

01:24:33 14 Q. Either this, Exhibit 24, or Exhibit 23?

01:24:38 15 A. No.

01:25:03 16 MR. SAUNDERS: No objections to either.

01:25:22 17 (A lunch recess was taken from  
01:53:16 18 1:25 p.m. to 1:53 p.m.)

01:53:18 19 (Deposition Exhibits Nos. 25 & 26 marked.)

01:53:18 20 Q. (By Mr. Griggs) Mr. Boulle, we're continuing  
01:53:30 21 now with our discussion and exhibits relating to your  
01:53:35 22 trademark deB, and, in particular, we were discussing  
01:53:45 23 direct mail pieces and catalogs. Is it -- am I correct  
01:53:51 24 in that you -- that you offer your products by direct  
01:53:59 25 mail?



01:53:59 1 A. Correct.

01:54:00 2 Q. That's one of your methods of trade?

01:54:02 3 A. Yes.

01:54:30 4 (Deposition Exhibit No. 27 was marked.)

01:54:30 5 MR. GRIGGS: Mr. Saunders we're going to  
01:54:32 6 be looking at Opposer's Exhibits 25, 26, and 27.

01:55:18 7 MR. SAUNDERS: Okay.

01:55:21 8 Q. (By Mr. Griggs) Now, Mr. Boulle, I show you  
01:55:28 9 what are Exhibits 25, 26, and 27.

01:55:41 10 A. That was one box. That's why -- that slides  
01:55:43 11 into that.

01:55:44 12 Q. I'd ask you if you recognize these exhibits;  
01:55:48 13 and, if so, tell me what -- what they are.

01:55:51 14 A. This was a catalog that we sent out, basically  
01:55:55 15 a catalog which was done in a box format.

01:55:57 16 Q. Sent how?

01:55:58 17 A. It was sent through the mail, and it was also  
01:56:02 18 given out to customers when they come through the door.  
01:56:04 19 We would put it with a purchase. We would put it in with  
01:56:07 20 a -- you know, inside when they purchase, we would also  
01:56:10 21 put it in the de Boulle bag.

01:56:13 22 This was mailed out to all our existing  
01:56:16 23 customers, as well as new prospective customers, you  
01:56:19 24 know, and --

01:56:19 25 Q. Would that be to a list that you purchased?

01:56:22 1 A. Yes. That is correct. Yes. And the box  
01:56:29 2 represents the store because we have the gates that come  
01:56:31 3 through, and then there's a picture of the store on the  
01:56:34 4 inside. And on the corner, there is the deB, de Boulle  
01:56:38 5 logo, again.

01:56:40 6 Q. And what's on the inside? What is the catalog  
01:56:44 7 part of it?

01:56:45 8 A. The catalog was a Christmas catalog. So we  
01:56:50 9 send out every year, and inside -- do you want me to keep  
01:56:53 10 going?

01:56:53 11 Q. Yes.

01:56:54 12 A. On the inside --

01:56:57 13 Q. You're talking about Exhibit 25?

01:56:59 14 A. 25. On Exhibit 25 what you have is the de  
01:57:03 15 Boulle logo again, deB in very large, which actually  
01:57:07 16 seals the catalog which are loose-leafed with velum  
01:57:15 17 paper. And the velum paper is held together by the deB  
01:57:19 18 logo, which is what we use the deB and dB logos for.  
01:57:22 19 This is a good example of how we would be using the logos  
01:57:25 20 for.

01:57:25 21 Q. What are you referring to as the logo? What  
01:57:26 22 is --

01:57:26 23 A. The deB on this particular one.

01:57:28 24 Q. I know. But is it in the nature of adhesive  
01:57:31 25 label?

01:57:31 1 A. It's an adhesive label. That's correct.

01:57:33 2 Q. And it holds the wrapper?

01:57:35 3 A. The wrapper, the velum outside together.

01:57:38 4 That's correct.

01:57:39 5 Q. And the catalog are the several insert pieces  
01:57:42 6 that are loosely held inside?

01:57:44 7 A. That's correct. It's got pictures of watches  
01:57:47 8 and jewelry. I don't know how many pages, 50 loose-leaf  
01:57:51 9 which are then wrapped inside the velum. And on the back  
01:57:55 10 of each one, we have the de Boulle logo again.

01:58:01 11 Q. When did you first start using this catalog?

01:58:09 12 A. We actually used it -- there was a sticky on  
01:58:12 13 this letter. I don't remember the date on it. I don't  
01:58:14 14 remember what date. I had my secretary put the dates for  
01:58:20 15 each of the different ones, because I don't remember.  
01:58:27 16 I'm going to say 2004.

01:58:30 17 Q. Okay.

01:58:31 18 A. I'm going to say 2004. I would have to confirm  
01:58:34 19 that to you.

01:58:34 20 Q. Was that the most recent use that you had?

01:58:36 21 A. Of this one. We do a new catalog every year  
01:58:39 22 basically for Christmas.

01:58:40 23 Q. Okay. So you have at least one catalog per  
01:58:42 24 year --

01:58:42 25 A. Yeah.

01:58:43 1 Q. -- that has the loose --

01:58:43 2 A. Right. And sometimes we'll keep using them  
01:58:46 3 during the year so that we will keep them -- extras to  
01:58:50 4 put inside the bags for customers during the year.

01:58:52 5 Q. Then would you say this is a typical  
01:58:54 6 presentation that -- the catalog?

01:58:56 7 A. No. This is very unusual. It's actually a  
01:58:59 8 very, very unique concept.

01:59:01 9 Q. No. Meaning is this one similar to others that  
01:59:04 10 you use from time to time?

01:59:05 11 A. Not really. This is different than the ones we  
01:59:09 12 normally use.

01:59:10 13 Q. Okay.

01:59:11 14 A. They're normally hardbound. Most of the other  
01:59:13 15 ones are hardbound catalogs rather than loose-leaf with a  
01:59:17 16 pull open.

01:59:17 17 Q. Would the binder be the only difference?

01:59:19 18 A. The binder, yeah. The pictures would be the  
01:59:21 19 same. The logo would be the same, but just the --

01:59:23 20 Q. But --

01:59:24 21 A. -- but the actual compilation would be  
01:59:26 22 different.

01:59:26 23 Q. You have a loose-leaf version which we're  
01:59:28 24 looking at here.

01:59:29 25 A. Correct.

01:59:30 1 Q. And you have a bound version --

01:59:31 2 A. Correct.

01:59:32 3 Q. -- which we do not have before us now?

01:59:34 4 A. Yeah. You do in another catalog, but not --  
01:59:38 5 yeah.

01:59:39 6 Q. All right.

01:59:42 7 A. Normally -- what I'm saying, normally our  
01:59:44 8 catalogs are bound together, and the reason we did this  
01:59:46 9 with loose-leaf was we used the de Boulle logo, Exhibit  
01:59:51 10 26, the deB logo, to -- so -- and we suggested on here a  
01:59:56 11 wish list.

01:59:57 12 We call it the de Boulle wish list. "To ensure  
01:59:59 13 your holiday wishes come true, attach a label to any of  
02:00:02 14 the catalog pages and place it where it's sure to be  
02:00:05 15 seen."

02:00:05 16 So the idea was they could peel off one of  
02:00:08 17 these deB logos, take the loose-leaf and stick it on a  
02:00:11 18 shaving mirror, for example. So when the husband went to  
02:00:14 19 shave in the morning, he'd find his wife's wishes or  
02:00:18 20 wherever -- you know, it could be anywhere, in the  
02:00:20 21 kitchen, in the -- or the husband could put it for a  
02:00:22 22 wife. So it was very much a unique concept. Actually I  
02:00:28 23 should use it again.

02:00:29 24 Q. And would you say again the year that you first  
02:00:35 25 used either a hardbound catalog or a loose-leaf catalog?

02:00:41 1 A. Not this one, you're talking about?

02:00:43 2 Q. Well, not necessarily this one, but --

02:00:45 3 A. Any catalog, you mean?

02:00:47 4 Q. Yes, that would be comparable to this in size

02:00:50 5 and presentation that contained your deB logo stickers.

02:01:03 6 A. In multiple uses like this? Actually this was

02:01:05 7 the only time we used this multiple sticker.

02:01:07 8 Q. So that's been a one-time use?

02:01:10 9 A. One-time use on this catalog. We reused it.

02:01:13 10 We overprinted and did another mail-out for Valentine's,

02:01:16 11 I think -- I can't remember exactly -- for the following

02:01:18 12 year.

02:01:18 13 Q. And did you use the stickers with that?

02:01:20 14 A. Yes. Yes.

02:01:21 15 Q. Okay. The stickers on your -- on this kind of

02:01:23 16 a mail-out, the mail-out would contain a sheet of

02:01:27 17 stickers --

02:01:27 18 A. That's correct.

02:01:27 19 Q. -- with your labels that are adhesive?

02:01:29 20 A. Yeah.

02:01:30 21 Q. That shows the deB trademark?

02:01:31 22 A. Correct. I think there's 17 -- I don't know

02:01:35 23 how many -- 20 stickers in there.

02:01:38 24 Q. Who designed this?

02:01:40 25 A. It was done in-house.

02:01:41 1 Q. Did you participate?

02:01:42 2 A. I participated in just the broad details, but  
02:01:46 3 not the small details. My advertising person, in-house  
02:01:50 4 person, did it.

02:01:52 5 Q. Did you take part in the final approval?

02:01:54 6 A. Yes.

02:01:54 7 Q. Oh. One further question. Are these genuine?  
02:02:13 8 Is that -- this is the same as others that have been sent  
02:02:16 9 out?

02:02:16 10 A. That's correct. Yes.

02:02:17 11 Q. In all respects?

02:02:21 12 A. In all respects.

02:02:27 13 MR. GRIGGS: Mr. Saunders?

02:02:29 14 MR. SAUNDERS: I just want to see the  
02:02:32 15 numbers. I have no objection to this, but I do want to  
02:02:38 16 make, if I may, just one thing clear for the record.  
02:02:41 17 You've marked -- you've given these three different  
02:02:44 18 exhibit numbers, but they're actually all one item; is  
02:02:47 19 that correct?

02:02:47 20 THE WITNESS: That's correct. Yeah.

02:02:50 21 MR. SAUNDERS: Okay. So no objection.

02:03:00 22 Q. (By Mr. Griggs) Would you assemble it again  
02:03:03 23 for the court reporter?

02:03:04 24 A. Yeah.

02:03:56 25 MR. GRIGGS: Let's go off the record a

02:03:58 1 moment.

02:04:24 2 (Off-the-record discussion was held.)

02:04:24 3 Q. (By Mr. Griggs) Mr. Boulle, I now show you  
02:04:28 4 Opposer's Exhibit 28 and ask you to -- if you recognize  
02:04:32 5 it, tell us what it is.

02:04:33 6 A. It's the same as Exhibit 27, except completed  
02:04:38 7 -- put to -- before it was opened. In other words, it's  
02:04:41 8 shrink wrapped, whatever you say it.

02:04:42 9 Q. Okay. Is that how the customer would --

02:04:44 10 A. That's correct.

02:04:45 11 Q. -- would receive it --

02:04:46 12 A. That's correct.

02:04:46 13 Q. -- at the door?

02:04:47 14 A. At the door.

02:04:48 15 Q. Or in a shopping bag?

02:04:50 16 A. Just -- well, we would give it to customers  
02:04:53 17 when they came in after purchasing something; or if they  
02:04:55 18 didn't, there would be a take-away, if you want. And  
02:04:58 19 then when we mailed it, we just put a label on the  
02:05:01 20 outside here.

02:05:03 21 Q. Okay. And is the contents in here exactly the  
02:05:11 22 same as here?

02:05:11 23 A. Correct.

02:05:16 24 Q. The same as Exhibits 25, 26, and 27?

02:05:19 25 A. Correct.



02:05:19 1 Q. So this is identical in all respects?

02:05:52 2 A. Right.

02:05:55 3 MR. SAUNDERS: No objection.

02:05:56 4 MR. GRIGGS: We offer Opposer's Exhibit

02:06:55 5 28.

02:07:46 6 (Deposition Exhibits Nos. 28-30 marked.)

02:07:46 7 MR. SAUNDERS: Previously produced?

02:07:48 8 MR. TREDOUX: Yes.

02:07:50 9 Q. (By Mr. Griggs) Mr. Boulle, I show you  
02:07:53 10 Opposer's Exhibits 29 and 30 and ask if you recognize it.

02:07:59 11 A. Yeah. This is a D Magazine that came out with  
02:08:03 12 the opening of the store in May --

02:08:05 13 Q. What's the date of that magazine?

02:08:07 14 A. May 2001, and it has an outside wrapper.

02:08:11 15 Q. That's Exhibit 29?

02:08:13 16 A. 29, which has de Boulle. And it has the deB  
02:08:18 17 inside the emerald cut logo, and it's got the products we  
02:08:22 18 offer, as well as the website. And it shrink wraps of  
02:08:29 19 what is a local magazine called D Magazine, and that's  
02:08:34 20 Exhibit No. 30. I see we actually have an ad inside.

02:08:38 21 Q. Did you commission this advertising personally  
02:08:43 22 or you had staff that did that?

02:08:45 23 A. I had staff that did it, but I was involved  
02:08:48 24 with the design of it.

02:08:48 25 Q. You say you were?

02:08:49 1 A. I was involved with the design and feel of it,  
02:08:52 2 yeah.

02:08:52 3 Q. What part did you do in the design?

02:08:56 4 A. The concept of the windows, of putting the  
02:08:59 5 jewelry and everything into the windows.

02:09:01 6 Q. The superimposing the jewelry pieces in the  
02:09:04 7 windows?

02:09:04 8 A. Yes.

02:09:05 9 Q. And does the wrapper contain reference to your  
02:09:08 10 -- one of your trademarks?

02:09:09 11 A. To both, yeah, two of the trademarks.

02:09:12 12 Q. And would you identify those trademarks.

02:09:14 13 A. de Boulle and deB.

02:09:18 14 Q. Do you recognize this magazine, Exhibit 30?

02:09:21 15 A. Yes, I do.

02:09:22 16 Q. And what --

02:09:23 17 A. D Magazine.

02:09:23 18 Q. The title is D Magazine?

02:09:25 19 A. D Magazine.

02:09:26 20 Q. Okay. And do you have an ad inside the  
02:09:33 21 magazine?

02:09:33 22 A. Yes, we do.

02:09:34 23 Q. Would you find that page and identify it.

02:09:37 24 A. If I take this off, I'll never get it back on  
02:09:40 25 again. Okay. It's similar to the cover, and it's,

02:09:54 1 again, got the de Boulle in large, jewelry, diamonds,  
02:09:57 2 timepieces, fine art.

02:09:58 3 It's got the deB logo underneath that. It has  
02:10:01 4 Patek Philippe spelled out again with their logo on top  
02:10:04 5 of it, and it's -- invites you to join us at our new home  
02:10:09 6 on May the 3rd.

02:10:11 7 And inside the store, you can see the de  
02:10:14 8 Boulle. And then you can see de Boulle, Patek Philippe  
02:10:17 9 on the awnings, and it has the website.

02:10:20 10 Q. Is this a co-branding advertisement?

02:10:22 11 A. I can't remember, to be honest with you. I  
02:10:26 12 think so, but I'm not sure Patek would co-brand that with  
02:10:30 13 us; but maybe they did.

02:10:32 14 Q. Okay. How frequently do you advertise in D  
02:10:46 15 Magazine?

02:10:49 16 A. We used to a lot back then. We slowed down  
02:10:53 17 with D Magazine.

02:10:54 18 Q. Well, would you say once a year?

02:10:56 19 A. Yeah, probably once -- we stopped advertising  
02:10:59 20 for a while, for two or three years, but yeah, we've  
02:11:04 21 advertised with them over the years. I would say back in  
02:11:08 22 2000, 2001, we advertised, and 2002, 2003, we advertised  
02:11:13 23 a lot.

02:11:14 24 Q. Okay. I show you Exhibit 30 again, the D  
02:11:19 25 Magazine. And in particular, I'd like for you to look on

02:11:25 1 page -- page -- on the reverse side of the page in which  
02:11:35 2 your ad appears and see if you see a page number.

02:11:39 3 A. That would be page 25 would be the page number.

02:11:43 4 Q. Okay. And does that -- that page is tagged?

02:11:47 5 A. Yes, it is.

02:11:48 6 Q. In the lower --

02:11:48 7 A. It has a green tag to it.

02:11:51 8 Q. In the lower right corner?

02:11:54 9 A. That's correct. That's correct.

02:11:55 10 Q. What was the purpose of running that ad?

02:12:01 11 A. To welcome people to the new store. So just  
02:12:04 12 really getting out that we've got a new store and we're  
02:12:08 13 open for business.

02:12:09 14 Q. And the --

02:12:09 15 A. So it was just a promotion.

02:12:11 16 Q. The jewelry items that are superimposed there  
02:12:14 17 on the cover, are those typical of what you carried at  
02:12:17 18 that time in your store?

02:12:18 19 A. Yeah.

02:12:22 20 MR. GRIGGS: Mr. Saunders, we offer  
02:12:24 21 Opposer's Exhibits 29 and 30.

02:12:27 22 MR. SAUNDERS: No objection.

02:12:59 23 (Deposition Exhibit No. 31 marked.)

02:12:59 24 Q. (By Mr. Griggs) Mr. Boulle, I show you another  
02:13:01 25 magazine, Opposer's Exhibit 31. Can you identify that

02:13:04 1 you recognize that; and, if so, can you identify it for  
02:13:07 2 us?

02:13:07 3 A. That's a magazine called People Etc. I don't  
02:13:13 4 know if this became People -- I don't remember exactly  
02:13:18 5 the magazine, to be honest with you, but we placed an ad  
02:13:21 6 on the back cover with Rolex, which is a co-op ad.

02:13:28 7 I don't know if this is a Dallas magazine or --  
02:13:31 8 I don't know where this magazine -- it looks like the  
02:13:34 9 numbers are Dallas. They did an article on the inside  
02:13:38 10 which we didn't mark.

02:13:39 11 Q. What page does the article start?

02:13:41 12 A. Thirty-two.

02:13:52 13 Q. Will you tag it?

02:13:53 14 A. (Witness complies.)

02:13:54 15 Q. And what does the article say?

02:13:56 16 A. I think just about -- it's about the new  
02:14:02 17 building. I'd forgotten about this article. It was a  
02:14:06 18 picture, a drawing of the building.

02:14:08 19 Q. Does it have text or anything that promotes  
02:14:10 20 your services?

02:14:11 21 A. Yeah. It's got text that explains all the  
02:14:14 22 different services, as well as de Boulle on the web.

02:14:17 23 Q. Are any of your products, jewelry products,  
02:14:20 24 displayed?

02:14:20 25 A. Actually there's a jeweler upstairs working,

02:14:24 1 Tony, our jeweler, who's working, and then it talks about  
02:14:28 2 the jewelry and fine art.

02:14:34 3 Q. That -- the inside article, how many pages is  
02:14:37 4 it, and where does it start?

02:14:37 5 A. Just two pages. It's 32 to 33.

02:14:44 6 Q. Are there any other references to your company  
02:14:45 7 or trademarks in that publication?

02:14:47 8 A. There is on the back page. There is a co-op ad  
02:14:53 9 with Rolex, and it's got Rolex on the top left hand. And  
02:14:58 10 it's got a man and lady's gold Presidents. And  
02:15:03 11 underneath there's de Boulle, and then there's the deB  
02:15:06 12 logo inside the emerald cut, as well as the services we  
02:15:10 13 offer.

02:15:10 14 Q. Mr. Boulle, now you're referring to that as a  
02:15:12 15 co-op ad. Is that the same thing as co-branding?

02:15:15 16 A. That's correct.

02:15:16 17 Q. So previously you really meant -- or I'm  
02:15:19 18 asking: Did you mean to say co-op rather than  
02:15:21 19 co-branding?

02:15:21 20 A. It's -- co-op is the money side of it. So they  
02:15:26 21 co-op payment on it, and co-branding is like Ferrari.  
02:15:33 22 Ferrari didn't pay for that. I think we paid for that,  
02:15:35 23 or maybe we shared.

02:15:36 24 So co-branding is more about sharing our brands  
02:15:38 25 together, and co-op is who pays for it, in my mind if

02:15:42 1 that's technically correct. I don't know.

02:15:44 2 Q. Okay. And in the instance of a co-branding  
02:15:47 3 event, that's where your products, as well as a sponsor's  
02:15:51 4 products, would be displayed --

02:15:54 5 A. Correct.

02:15:55 6 Q. -- or promoted?

02:15:56 7 A. Correct, on a function.

02:15:57 8 Q. So it's cooperative advertising?

02:16:01 9 A. Correct.

02:16:01 10 Q. What's the date of this magazine, the  
02:16:06 11 publication date?

02:16:07 12 A. June/July of 2001.

02:16:11 13 Q. And how frequently have you advertised in this  
02:16:14 14 magazine?

02:16:15 15 A. I don't know if this is the origin of the  
02:16:20 16 People magazine which is now current, because it's  
02:16:23 17 changed the name; and so I don't know.

02:16:25 18 Q. All right.

02:16:26 19 A. I don't know.

02:16:30 20 MR. GRIGGS: We offer Opposer's Exhibit  
02:16:32 21 31.

02:16:36 22 MR. SAUNDERS: No objection.

02:16:48 23 Q. (By Mr. Griggs) Mr. Boulle, would you read off  
02:16:51 24 the publication date on this --

02:16:52 25 A. June/July of 2001 of People's.

02:16:54 1 Q. Opposer's Exhibit 31, People Etc. magazine?

02:16:57 2 A. Yeah. June/July 2001.

02:16:59 3 Q. Okay. By the way, does your company subscribe

02:17:05 4 to this magazine?

02:17:06 5 A. No.

02:17:07 6 Q. How did you come --

02:17:09 7 A. I think it was a free -- I can't remember.

02:17:11 8 Q. All right.

02:17:14 9 A. So maybe we did, maybe we didn't.

02:17:16 10 Q. Do you know if the People Etc. magazine is a

02:17:22 11 local distribution or regional? National?

02:17:27 12 A. I think it's more -- it's more regional.

02:17:30 13 Q. In the sense of being regional, would you say

02:17:33 14 in the Southwest?

02:17:34 15 A. Dallas/Fort Worth, I think.

02:17:36 16 Q. Oh, okay. All right.

02:17:36 17 (Deposition Exhibit No. 32 was marked.)

02:17:41 18 Q. (By Mr. Griggs) Next is Opposer's Exhibit 32,

02:17:45 19 a magazine, D Home and Garden. I'll show it to Mr.

02:17:50 20 Saunders.

02:17:59 21 MR. SAUNDERS: And, again, do we have

02:18:00 22 production numbers for these magazines?

02:18:05 23 MR. TREDOUX: I can look them up for you.

02:18:22 24 Q. (By Mr. Griggs) Mr. Boulle, I'll show you

02:18:25 25 Opposer's Exhibit 32, and I'm reading the title, D Home



02:18:30 1 and Garden. It's obviously a magazine. Do you recognize  
02:18:33 2 it?

02:18:36 3 A. Yes, I do.

02:18:36 4 Q. And did you place an ad in that magazine?

02:18:38 5 A. Yes, we did.

02:18:40 6 Q. Would you read off the title and the date.

02:18:43 7 A. D Home and Garden, and it is spring of 2001.

02:18:46 8 Q. And what page does your ad appear on?

02:18:48 9 A. The ad is on -- okay. It's page 28. It's  
02:18:59 10 actually not marked. I'll put that there.

02:19:05 11 Q. Are any of your trademarks displayed or made  
02:19:11 12 reference to in that --

02:19:13 13 A. Yes. On the bottom of the page, it's got de  
02:19:17 14 Boulle in large, and then underneath it's got the deB  
02:19:20 15 inside the emerald cut logo and then where the services  
02:19:23 16 -- the services we offer, jewelry, diamonds, fine art,  
02:19:26 17 timepieces.

02:19:27 18 Q. Is that an advertisement that you've placed, or  
02:19:30 19 is that a featured story on your company?

02:19:32 20 A. That's an advertisement we placed.

02:19:34 21 Q. You paid for that?

02:19:35 22 A. Yes, we did. In fact, there's another story.  
02:19:38 23 I thought there was more on this one. There's a little  
02:19:42 24 article about the Galleria on the inside, too, which  
02:19:50 25 really doesn't matter. So there's a little editorial in

02:19:58 1 there.

02:20:09 2 Q. Do you recall when you placed that ad?

02:20:11 3 A. It says spring 2001, I think. That's what it  
02:20:13 4 says on the cover.

02:20:19 5 Q. Okay. Your -- would you state for the record  
02:20:27 6 on which page your trademarks appear.

02:20:31 7 A. That would be page 28.

02:21:00 8 (Deposition Exhibit No. 33 was marked.)

02:21:00 9 MR. GRIGGS: This is the last one.

02:22:03 10 Q. (By Mr. Griggs) All right. I have in my hands  
02:22:05 11 Opposer's Exhibit 33, which is a magazine I take is --  
02:22:10 12 Where Dallas is the title, it appears. I'd like for you  
02:22:16 13 to take a look at this, Mr. Boulle, and see if you  
02:22:18 14 recognize it. And if so, tell us what you believe it is.

02:22:22 15 A. It's a magazine about the arts, I think, in  
02:22:25 16 Dallas, and it's dated October 2001, your Exhibit No. 33.

02:22:30 17 Q. And did you pay for an ad to --

02:22:33 18 A. We did. We co-opped an ad with Bulgari on the  
02:22:38 19 inside.

02:22:38 20 Q. Would you say the name of the company again.

02:22:40 21 A. With Bulgari, B-u-l-g-a-r-i. It's an Italian  
02:22:44 22 company that does jewelry and watches. And on the  
02:22:47 23 bottom, it has two large, rectangular watches, Bulgari  
02:22:52 24 watches. And underneath that it has the de Boulle, dB,  
02:22:55 25 big de Boulle, and then it also has the deB logo

02:23:00 1 underneath stating our services --

02:23:00 2 Q. Does it give --

02:23:02 3 A. -- jewelry, diamonds, and our 800 number.

02:23:04 4 Q. Does it have a -- does it give a reference to  
02:23:07 5 your services?

02:23:07 6 A. Yes, it does, jewelry, diamonds, fine art,  
02:23:11 7 timepieces.

02:23:12 8 Q. Are any of your jewelry products displayed on  
02:23:14 9 the image?

02:23:15 10 A. Yes. Watches that we sell are.

02:23:17 11 Q. Okay. When was -- how often do you advertise  
02:23:20 12 in that magazine?

02:23:21 13 A. You know, Where Magazine I don't think is  
02:23:24 14 around anymore. So we haven't advertised with them for a  
02:23:27 15 long time, I don't think.

02:23:28 16 Q. Was that just a one-time --

02:23:30 17 A. No. I think we did lots of advertising with  
02:23:32 18 Where back then until they kind of came and went.

02:23:35 19 Q. Would you say that you advertised as much as  
02:23:38 20 once a year in their magazine while it was in  
02:23:42 21 publication?

02:23:42 22 A. No. We'd probably do four or five times a  
02:23:45 23 year, from my memory. We do a lot of advertising. So  
02:23:48 24 it's hard for me to remember, pinpoint.

02:23:51 25 MR. GRIGGS: Mr. Saunders, we offer

02:23:53 1 Opposer's Exhibit 33.

02:23:55 2 MR. SAUNDERS: No objection.

02:23:59 3 MR. GRIGGS: Off the record.

02:24:02 4 (A recess was taken from

02:24:02 5 2:23 p.m. to 2:26 p.m.)

02:24:02 6 (Deposition Exhibits Nos. 34-40 marked.)

02:24:02 7 EXAMINATION

02:24:02 8 BY MR. TREDoux:

02:27:22 9 Q. Mr. Boulle, my name is Pieter Tredoux, and I'm  
02:27:25 10 one of the attorneys that represents your company in the  
02:27:29 11 opposition pending before the Trademark Trial and Appeal  
02:27:32 12 Board in which de Boulle is the opposer and De Beers is  
02:27:36 13 the applicant. And we're here for your deposition today  
02:27:39 14 pursuant to a notice that was served on you.

02:27:41 15 I'm going to show you for identification what  
02:27:45 16 is marked as Opposer's Exhibit 34 and ask you whether you  
02:27:50 17 can identify that.

02:27:51 18 A. Yes. That's a catalog that we made in 2001.

02:27:54 19 Q. And when you say we --

02:27:56 20 A. de Boulle. de Boulle.

02:27:57 21 Q. Okay. And what was the purpose of the  
02:28:00 22 preparation of those particular materials?

02:28:03 23 A. It's for a Christmas catalog.

02:28:05 24 Q. And what did you use that for?

02:28:09 25 A. We actually used that for -- to mail out to all

02:28:13 1 of our customers, as well as prospective clients, as well  
02:28:19 2 as a use to give away within the store.

02:28:22 3 Q. Similar to the use that you prepared Opposer's  
02:28:26 4 Exhibit 28?

02:28:26 5 A. That's correct.

02:28:27 6 Q. Just another form?

02:28:29 7 A. That's just another form of advertising.

02:28:31 8 Q. Of the same advertising?

02:28:32 9 A. Correct, same form of advertisement.

02:28:37 10 MR. TREDoux: Do you need to see these?

02:28:41 11 MR. SAUNDERS: Yes, I do need to see

02:28:43 12 these.

02:29:25 13 Q. (By Mr. Tredoux) I'll direct your attention  
02:29:26 14 again to Exhibit 34.

02:29:27 15 A. Yes.

02:29:28 16 Q. Do your marks appear on the catalog?

02:29:30 17 A. Yes.

02:29:31 18 Q. Where do they appear on the catalog?

02:29:33 19 A. de Boulle on the front page, just

02:29:37 20 d-e-b-o-u-l-l-e, and then there's de Boulle with the de

02:29:40 21 Boulle bug, deB logo, underneath it with the jewelry,

02:29:46 22 watches, and then on the prices, where we have the prices

02:29:49 23 and description of the jewelry, the de Boulle -- with the

02:29:53 24 de Boulle deB bug underneath it with the services we

02:29:57 25 offer there, as well as, I believe, on the back page,

02:30:02 1 there's repetition of the de Boulle with the de Boulle  
02:30:08 2 bug. Is it okay to call it the de Boulle bug?

02:30:11 3 Q. Just for the record, when you refer to the de  
02:30:14 4 Boulle bug, are you referring to the deB mark --

02:30:19 5 A. That is correct.

02:30:19 6 Q. -- that is registered with the Trademark  
02:30:21 7 Office?

02:30:21 8 A. That is correct.

02:30:24 9 Q. I show you what is marked as -- strike that.  
02:30:28 10 What products are displayed in Deposition Exhibit 34?

02:30:31 11 A. Bracelets, ring, necklace, earrings, watches.  
02:30:42 12 That should cover most of it, I think.

02:30:44 13 Q. I'm showing you what is marked as Deposition  
02:30:50 14 Exhibit 35 and ask you if you can identify it.

02:30:51 15 A. That is our 2002 catalog that we did, Exhibit  
02:31:01 16 35. We actually did this with another company. We  
02:31:04 17 didn't -- that last one we printed, ourselves, so to  
02:31:06 18 speak. We subbed out the design.

02:31:10 19 And this one was from a manufacturer of ours  
02:31:12 20 that inserted our logo on the back, the de Boulle and the  
02:31:16 21 deB, and then put a cover letter again with the de Boulle  
02:31:20 22 logo and deB logo on the back page.

02:31:23 23 Q. Did de Boulle sell the merchandise shown in  
02:31:30 24 that catalog?

02:31:31 25 A. Yes, we did. And that's got bracelets,

02:31:35 1 watches, diamonds, necklaces, pendants, engagement ring,  
02:31:38 2 diamond earrings.

02:31:39 3 Q. All right. I'm showing you what is marked  
02:31:50 4 Deposition Exhibit No. 37 and ask you if you can identify  
02:31:53 5 that.

02:31:53 6 A. That was a Christmas mail-out, and it has  
02:31:57 7 loose-leaf. See, there was another one with the  
02:32:00 8 loose-leaf, and that's -- on the inside is de Boulle with  
02:32:02 9 our dog Maizy which we use in advertising. Do you see  
02:32:06 10 that? There's a better picture over there.

02:32:11 11 So -- and we use this for Christmas, as well as  
02:32:14 12 Valentine's; and that's got a picture of jewelry,  
02:32:17 13 diamonds, everything. It's got every category really in  
02:32:20 14 it.

02:32:20 15 Q. By Christmas, do you mean the holiday season?

02:32:23 16 A. Yes, holiday season. And there's a holiday  
02:32:27 17 wish on the inside. This is not a -- I forgot about this  
02:32:33 18 one.

02:32:34 19 Q. Are the de Boulle logos displayed on Deposition  
02:32:52 20 Exhibit 37?

02:32:52 21 A. Yes, it is. It's on the front on a stick-on  
02:32:56 22 label with de Boulle in yellow and gold. And on the  
02:33:00 23 back, it's got a much larger one with all the de Boulle  
02:33:03 24 plus the deB inside the emerald cut logo, as well as  
02:33:10 25 offering all our services, in fact, more services than

02:33:13 1 the normal logo, because we added estate jewelry,  
02:33:15 2 corporate gifts, jewelry design, colored stones on top of  
02:33:18 3 the jewelry, diamonds, and timepieces.

02:33:19 4 Q. Okay. I'm showing you what is marked -- this  
02:33:22 5 is out of sequence.

02:33:23 6 A. Sorry.

02:33:24 7 Q. -- Deposition Exhibit 36, and I'll ask you if  
02:33:27 8 you can identify that.

02:33:27 9 A. I can't remember 2003 or 2002, but it was in  
02:33:31 10 that -- I don't know which one. Again, this was a  
02:33:33 11 catalog which we created with a manufacturer similar to  
02:33:38 12 -- what was the other one? Oh, here. Similar to Exhibit  
02:33:41 13 35. You can see they're very similar catalogs.

02:33:47 14 And, again, it's got our logo on the back and  
02:33:53 15 on the cover -- on the covering letter to the catalog and  
02:34:03 16 on the front, as well. Sorry. Four different places.

02:34:06 17 Q. I'm showing you what is marked as Deposition  
02:34:08 18 Exhibit 38 and ask you if you can identify it.

02:34:11 19 A. Okay. This one has got -- is a 2004 catalog  
02:34:13 20 which actually has got -- very expensive to do, but it's  
02:34:17 21 embossed. The logo deB is embossed right in the center  
02:34:21 22 of the page. Do you want to mark that or not?

02:34:27 23 And inside it's got the picture of the building  
02:34:30 24 with de Boulle, as well as deboulle.com, as well as the  
02:34:33 25 telephone numbers, and I think that's it. I think that's



02:34:45 1 it on this one.

02:34:46 2 Q. And what year did you produce that catalog?

02:34:48 3 A. 2004.

02:34:49 4 Q. I'm showing you what's been marked Deposition  
02:34:52 5 Exhibit 40 and ask if you can identify that, please.

02:34:54 6 A. This one here basically was printed by Kwiat,  
02:34:56 7 which is a diamond company, and they co-branded --  
02:35:00 8 co-opped with us. And we put the de Boulle and the de  
02:35:03 9 Boulle logo on top of it --

02:35:04 10 Q. Which de Boulle --

02:35:05 11 A. -- on page 1.

02:35:07 12 Q. Which de Boulle logo is that?

02:35:10 13 A. de Boulle, d-e-b-o-u-l-l-e, as well as deB in  
02:35:13 14 the emerald cut. On the inside page, we also put it on  
02:35:18 15 the inside with the logo, both the logos again.

02:35:20 16 Q. What year was that?

02:35:22 17 A. 2005.

02:35:22 18 Q. I'm showing you what was marked as Deposition  
02:35:25 19 Exhibit 39 and ask you if you can identify that.

02:35:27 20 A. Yeah. This is a magazine we put together.  
02:35:29 21 It's a 26-carat diamond on the front cover, and here it's  
02:35:35 22 got de Boulle in the box. It's got de Boulle on the  
02:35:40 23 right cover. It's got de Boulle on the ribbon, as well  
02:35:45 24 as the de Boulle deB inside the emerald cut logo and the  
02:35:52 25 address.

02:35:52 1 On the outside it actually has the building  
02:35:55 2 with the deB logo and underneath that "The de Boulle  
02:35:59 3 Experience." And on the back again, it has the de Boulle  
02:36:06 4 name and address --

02:36:07 5 Q. And --

02:36:07 6 A. -- with the de Boulle box.

02:36:14 7 Q. And what purpose did you use Deposition Exhibit  
02:36:17 8 39 for?

02:36:18 9 A. That was, again, for -- most times it's --  
02:36:21 10 these catalogs are done around Christmastime. So we'll  
02:36:24 11 start in September and mail them out in December.

02:36:26 12 Q. And where do you mail them out to?

02:36:27 13 A. They'll be mailed out to all our existing  
02:36:29 14 clients or most of our existing clients, as well as  
02:36:32 15 prospective clients, as well as if somebody calls from  
02:36:35 16 the Internet and out of state and they say, Send me a  
02:36:38 17 catalog. Then we would send them one of these catalogs.

02:36:40 18 Q. Do you, as a matter of course, mail these  
02:36:43 19 catalogs to locations other than Dallas/Fort Worth?

02:36:45 20 A. Yes. All the time.

02:36:46 21 Q. Where do you typically mail the catalogs?

02:36:48 22 A. You know, all over the country really. There's  
02:36:50 23 not really -- I think California and Florida are our  
02:36:54 24 biggest, from my memory, most of where our sales come  
02:36:58 25 from.

02:37:00 1 MR. TREDoux: Opposer offers 34 through  
02:37:03 2 40.

02:37:05 3 MR. SAUNDERS: No objection.

02:37:05 4 (Deposition Exhibits Nos. 41-87 marked.)

02:37:05 5 (A recess was taken from

02:46:00 6 2:37 p.m. to 2:46 p.m.)

02:46:00 7 Q. (By Mr. Tredoux) Mr. Boulle, I'm going to show  
02:46:13 8 you what is -- strike that. You had previously testified  
02:46:17 9 during the direct examination by Mr. Griggs that your  
02:46:20 10 company, as a matter of course, sends out -- conducts  
02:46:27 11 events or parties at the store, and it sends out  
02:46:29 12 invitations to advertise those events; is that correct?

02:46:31 13 A. That's correct.

02:46:32 14 Q. I show you what is marked as Deposition Exhibit  
02:46:36 15 41. I want to know if you can identify it, please.

02:46:41 16 A. 41. This was sent in 2005, according to the  
02:46:46 17 notation here, and it was just a little thing that's got  
02:46:49 18 the de Boulle bug on the inside, the de Boulle logo, and  
02:46:54 19 it's invited to preview the newest watch collection, if I  
02:47:03 20 remember this.

02:47:04 21 This was normally done -- the Basel show is in  
02:47:08 22 Switzerland, and it's normally done -- they show out all  
02:47:11 23 the new watches. So this is an invitation to come look  
02:47:13 24 at all the latest watches that we purchased in  
02:47:17 25 Switzerland.

02:47:17 1 Q. And when did you say that event was?

02:47:19 2 A. June 16, 2005.

02:47:21 3 Q. And are your logos displayed in that?

02:47:26 4 A. Yes, on the front cover. And when you open the  
02:47:29 5 cover, the same logo is displayed. And if you open the  
02:47:32 6 center, the logos are displayed again, de Boulle and deB.

02:47:36 7 Q. And who did you circulate that invitation to?

02:47:39 8 A. That would have been sent to all our watch  
02:47:42 9 customers more than our jewelry customers. So that would  
02:47:44 10 be to our watch customers.

02:47:44 11 Q. Were they sent locally?

02:47:46 12 A. Across the country.

02:47:47 13 Q. Strike that. Who do you circulate Deposition  
02:47:50 14 Exhibit 41 to?

02:47:51 15 A. We would have circulated that to our existing  
02:47:55 16 customers who are all over -- Dallas mainly, but all over  
02:47:59 17 the country. So anybody who's bought a watch from us.  
02:48:02 18 And a lot of times we were down to a watch purchase of  
02:48:05 19 more than \$5,000 or -- there would have been some kind of  
02:48:08 20 break-up point.

02:48:09 21 Q. How do you know who to send the invitations to?

02:48:12 22 A. Because they've purchased a watch from us most  
02:48:15 23 of the time.

02:48:15 24 Q. And do you keep a record of that, sir?

02:48:17 25 A. Yes.

02:48:17 1 Q. And how do you maintain that record?

02:48:19 2 A. How do I maintain that? You mean like on the  
02:48:23 3 computer system?

02:48:24 4 Q. Yes.

02:48:25 5 A. Every -- de Boulle catches that every time  
02:48:27 6 there's a purchase, you know, the system can break it  
02:48:30 7 down by watch, jewelry, et cetera.

02:48:32 8 Q. So you -- I take it you capture details of  
02:48:36 9 people that bought from you?

02:48:37 10 A. Correct.

02:48:38 11 Q. And you keep that in the computer?

02:48:39 12 A. Correct.

02:48:40 13 Q. And you have various categories of information  
02:48:42 14 that you store in your computer relating to the customers  
02:48:46 15 that you have?

02:48:46 16 A. Yes, we do.

02:48:46 17 Q. And are you able to sort that computer system?

02:48:49 18 A. Yes.

02:48:50 19 Q. And how -- just describe to the Board just  
02:48:56 20 generally the types of information that you can glean  
02:48:58 21 from your system maintained in the computer pertaining to  
02:49:02 22 your customers.

02:49:03 23 A. Well, you can do it by how much money they've  
02:49:05 24 spent. You can do it by which watch brand they bought.  
02:49:08 25 You can do it by state. You can do it by purchase

02:49:11 1 amount. You can do it by various ways, everybody who's  
02:49:14 2 ever bought a diamond ring or -- so we can break it down  
02:49:17 3 a lot of different --

02:49:19 4 Q. Do you use that system, yourself?

02:49:21 5 A. Yeah. I don't go do it, myself. I'm not high-  
02:49:25 6 tech enough to do that, but I get that information given  
02:49:26 7 to me.

02:49:26 8 Q. Do you have it on your computer?

02:49:28 9 A. At the office?

02:49:29 10 Q. Yes.

02:49:29 11 A. Yes, I do.

02:49:30 12 Q. That's on your desk?

02:49:31 13 A. Yes.

02:49:32 14 Q. And you use that information from time to time?

02:49:33 15 A. Yes.

02:49:34 16 Q. Do you update that system from time to time  
02:49:36 17 with things like a new phone number or a new address or  
02:49:38 18 something?

02:49:38 19 A. Every day.

02:49:39 20 Q. You do that personally, too?

02:49:40 21 A. I'll do it, myself. So if somebody comes in,  
02:49:42 22 I'll update the telephone numbers after they've gone or  
02:49:44 23 personal information about them.

02:49:45 24 Q. Okay. And is that -- who has overall  
02:49:50 25 responsibility for making sure that the company maintains

02:49:54 1 that kind of information?

02:49:54 2 A. Alan Katz.

02:49:55 3 Q. Do you have any -- bear any responsibility as  
02:49:57 4 part of your duties to maintain that information?

02:50:00 5 A. Do I --

02:50:01 6 Q. Strike that. Who does Mr. Katz report to?

02:50:03 7 A. To me.

02:50:04 8 Q. Okay. And when he performs his duties at the  
02:50:10 9 store in maintaining the database relating to the store's  
02:50:13 10 customers, who supervises his work?

02:50:16 11 A. I do.

02:50:17 12 Q. Okay. So ultimately you're responsible, is  
02:50:21 13 that correct, for the -- to make sure that the customer  
02:50:23 14 database is correct and up to date?

02:50:25 15 A. Correct.

02:50:25 16 Q. I'm showing you what is marked as Deposition  
02:50:30 17 Exhibit 42, sir.

02:50:33 18 A. Okay.

02:50:34 19 Q. Can you identify that for me?

02:50:36 20 A. We had an auction for Bulgari, and this was  
02:50:41 21 actually used inside the books, inside the Bulgari books,  
02:50:44 22 to mark -- to place their marks. I don't know if this  
02:50:46 23 was sent as a mail-out or not.

02:50:49 24 I don't think it was, because the catalog was  
02:50:50 25 sent out, a mail-out, with this inside the catalog and --

02:50:54 1 previewing all those pieces, and we had a big auction at  
02:50:57 2 the store where, I think, 400 people or something came  
02:51:01 3 along.

02:51:04 4 Q. Is that another example of the invitations that  
02:51:08 5 you used --

02:51:08 6 A. Correct.

02:51:08 7 Q. -- another example of the invitations that you  
02:51:10 8 use to advertise the events and the parties you have --

02:51:10 9 A. That's correct.

02:51:12 10 Q. -- at the store?

02:51:12 11 A. That's correct.

02:51:12 12 Q. You've got to let me finish my question.

02:51:14 13 A. I'm sorry.

02:51:14 14 Q. Is that another example of the invitations that  
02:51:17 15 you use to advertise the events that you have at the  
02:51:20 16 store?

02:51:20 17 A. Yes.

02:51:20 18 Q. And what's the purpose of the events at the  
02:51:22 19 store?

02:51:22 20 A. It's -- one is to get traffic through, you  
02:51:24 21 know, to continue to get traffic through the store and to  
02:51:29 22 -- obviously it's to hopefully sell something when they  
02:51:32 23 come through the door.

02:51:33 24 Q. And what would you sell on those occasions?

02:51:36 25 A. Watches, jewelry, diamonds, all of it.



02:51:39 1 Q. Or at least advertise it for sale?

02:51:41 2 A. Yes.

02:51:41 3 Q. And then people, when they come to the store,  
02:51:43 4 do they view the jewelry?

02:51:45 5 A. Correct.

02:51:45 6 Q. It's open there for display at these events?

02:51:45 7 A. Correct, at all the events.

02:51:46 8 Q. I show you what is marked as Deposition Exhibit  
02:51:49 9 43 and see if you can identify it.

02:51:50 10 A. This, again, is the -- a Basel event. It's the  
02:51:59 11 best of Switzerland where we'll be showcasing the newest  
02:52:06 12 Swiss watches which were presented in 2005.

02:52:09 13 Q. Another example of an event that you --

02:52:14 14 A. That's correct, yeah.

02:52:16 15 Q. You've got to let me finish my question,  
02:52:18 16 please.

02:52:18 17 A. I'm sorry, Pieter.

02:52:19 18 Q. Is that another example of an event that you  
02:52:22 19 had at the store?

02:52:22 20 A. Yes.

02:52:22 21 Q. Again, advertised and published the way the  
02:52:25 22 other invitations were?

02:52:27 23 A. Correct.

02:52:27 24 Q. I'm showing you what is marked as Deposition  
02:52:30 25 Exhibit 44. Have you seen Exhibit 44?

02:52:49 1 A. Yes.

02:52:50 2 Q. What is Exhibit 44?

02:52:52 3 A. This was something we did in conjunction -- to  
02:52:56 4 promote the young artists of Dallas, which is a group of  
02:53:00 5 artists with their names inside it. So we invited  
02:53:05 6 people. I'm sure this was people predominantly in the  
02:53:11 7 Park Cities, and they came and looked at their work.

02:53:14 8 Q. And what date was that?

02:53:15 9 A. That is December the 13th, 2001.

02:53:21 10 Q. Okay. And I'm not sure whether I made a record  
02:53:24 11 of this, but Exhibit 41, what year was that?

02:53:27 12 A. 2005. The date was June 16th.

02:53:31 13 Q. And Exhibit 43?

02:53:37 14 A. That was 2002, and that was June 6th.

02:53:45 15 Q. Okay.

02:53:46 16 MR. SAUNDERS: I just want to make a note.  
02:53:48 17 I don't know if you've noted the fact that these exhibits  
02:53:51 18 -- and we'll go through them specifically by number --  
02:53:53 19 have Post-its on top with years written on them. I don't  
02:53:58 20 think anyone has mentioned that yet.

02:54:01 21 THE WITNESS: I'm sorry. I did that  
02:54:01 22 because I wanted to remember --

02:54:01 23 MR. SAUNDERS: As long as we don't remove  
02:54:01 24 those.

02:54:01 25 THE WITNESS: No, no. I got my assistant

02:54:02 1 to do that for me because I would never remember it.

02:54:10 2 MR. TREDOUX: And just for the record,  
02:54:12 3 those are notated on -- starting, I believe, January, 39  
02:54:26 4 through 44.

02:54:44 5 MR. SAUNDERS: Okay. I'm sorry. Do you  
02:54:46 6 have a correct number range now of the exhibits that have  
02:54:49 7 the Post-its on it?

02:54:52 8 MR. TREDOUX: Yes, 39 through 44, it  
02:54:54 9 appears.

02:54:55 10 MR. SAUNDERS: Okay. Thank you.

02:55:05 11 MR. TREDOUX: Opposer would offer 41  
02:55:08 12 through 44.

02:55:09 13 MR. SAUNDERS: No objection.

02:55:22 14 (A recess was taken from  
02:55:22 15 2:55 p.m. to 3:03 p.m.)

03:03:03 16 (Deposition Exhibit No. 88 was marked.)

03:03:03 17 Q. (By Mr. Tredoux) Mr. Boulle, I'm showing you  
03:03:05 18 what has been marked as Opposer's Exhibit 88 and ask you  
03:03:09 19 if you can identify that for me.

03:03:10 20 A. Yes. That is our repair order that we give out  
03:03:13 21 to people that comes in triplicate form that can be torn  
03:03:17 22 off so the customer gets one. We keep one for our  
03:03:20 23 records, and one goes in the jewelry repair or the watch  
03:03:24 24 repair bin -- bag, I should say.

03:03:26 25 Q. I'm showing you what is marked as -- strike

03:03:29 1 that. Does your logo appear on Deposition Exhibit 88?

03:03:34 2 A. Yes. It actually is in several places. We've  
03:03:37 3 got a picture -- it's in triplicate on each -- on each  
03:03:41 4 part of the form is the de Boulle, as well as the deB, as  
03:03:46 5 well as the services we offer. And underneath that,  
03:03:48 6 there's a picture of the building with the de bug over  
03:03:53 7 the door.

03:03:54 8 (Deposition Exhibit No. 89 was marked.)

03:03:54 9 Q. (By Mr. Tredoux) Okay. I'm showing you what  
03:03:56 10 is marked as Deposition Exhibit 89 and ask you if you can  
03:03:59 11 identify it.

03:04:00 12 A. Yes. This is an actual consignment agreement  
03:04:03 13 which we use. It's the same as the bill of sale that we  
03:04:06 14 use, too, except the writing's at the bottom. So this is  
03:04:11 15 what we consign things to our customers or to dealers.

03:04:15 16 And it has the logo on the top, and it has the  
03:04:19 17 building with the logo on -- with the deB logo. So the  
03:04:24 18 deB logo is in two different places, and de Boulle is in  
03:04:28 19 one place. And this comes in duplicate form where it can  
03:04:31 20 be torn off; and one can be given to the customer, and  
03:04:34 21 one can be put in our files, actually.

03:04:36 22 Q. When did you start using Deposition Exhibit 88,  
03:04:39 23 the form and all that?

03:04:50 24 A. I can't -- I don't remember when we got this  
03:04:53 25 actual computer system. I'd have to check with the CFO.

03:04:57 1 I don't remember exactly, but I'll give you an exact  
03:04:59 2 date.

03:04:59 3 Q. Was it before --

03:05:00 4 A. It was when we moved to the store. So it would  
03:05:04 5 be 2000 -- I don't know if we had it in the store before,  
03:05:05 6 in the old store, or in the old store we got it. I  
03:05:08 7 think --

03:05:08 8 Q. Was it in the new store when you opened up the  
03:05:11 9 new store?

03:05:11 10 A. Correct.

03:05:11 11 Q. So what is the earliest date it could have --

03:05:14 12 A. 2001.

03:05:15 13 Q. In May, I take it?

03:05:18 14 A. Yes.

03:05:19 15 Q. And --

03:05:20 16 A. I think we -- well, I don't remember, to be  
03:05:22 17 honest with you.

03:05:22 18 Q. I'm showing you -- strike that. And do you  
03:05:26 19 still use Deposition -- the form displayed as  
03:05:28 20 deposition -- or Opposer's --

03:05:31 21 A. Yes, I do.

03:05:31 22 Q. Let me finish my question, please. Do you  
03:05:33 23 still use the form identified as Opposer's Exhibit 88  
03:05:37 24 today?

03:05:37 25 A. Yes, I do.

03:05:38 1 Q. Has it changed over the years?

03:05:40 2 A. We've had it reprinted over the years. So I  
03:05:44 3 don't know if it's exactly the same, but I know the logos  
03:05:47 4 are the same. I think it's the same, yes.

03:05:49 5 Q. And the building was always on there?

03:05:51 6 A. Yeah.

03:05:52 7 Q. How about Opposer's Exhibit 89? When did you  
03:05:57 8 first start using that?

03:05:58 9 A. It would be at the same time.

03:06:00 10 Q. As 88?

03:06:01 11 A. As 88, yes. This was all done together.

03:06:03 12 Q. And you still using that form today?

03:06:05 13 A. Yes, we do.

03:06:07 14 Q. Do you have a similar form for invoices?

03:06:10 15 A. It's identical to the consignment except it's  
03:06:13 16 got invoice on there instead.

03:06:14 17 Q. Does it have the language pertaining to the  
03:06:20 18 consignment terms showing on Deposition Exhibit No. 89?

03:06:23 19 A. It does not, no.

03:06:23 20 Q. Other than that, is there any difference  
03:06:27 21 between the form of the invoice and the form of the  
03:06:29 22 consignment memorandum?

03:06:30 23 A. No. They're the same.

03:06:31 24 Q. Does the invoice have the same -- still have  
03:06:36 25 your name and your logo?

03:06:37 1 A. That's correct. Yes, it does.

03:06:40 2 MR. TREDoux: I will offer 88 and 89.

03:06:43 3 MR. SAUNDERS: No objection.

03:06:44 4 Q. (By Mr. Tredoux) What was your title before  
03:06:45 5 you became CEO, sir?

03:06:48 6 A. I was president.

03:06:49 7 Q. And in 2001 when your store opened, what was  
03:06:52 8 your title?

03:06:53 9 A. President.

03:06:54 10 Q. And as part of your -- sorry. Strike that. In  
03:07:00 11 2001, did de Boulle keep books and records?

03:07:02 12 A. Yes.

03:07:03 13 Q. And when did it first start keeping books and  
03:07:05 14 records?

03:07:06 15 A. I mean since the day we -- I mean since 1983, I  
03:07:11 16 presume, yes.

03:07:12 17 Q. And in 1983, did your responsibilities include  
03:07:16 18 overseeing the preparation of the books and records of  
03:07:18 19 the company?

03:07:18 20 A. Yes.

03:07:19 21 Q. And who signed the checks in 1983?

03:07:23 22 A. I did.

03:07:24 23 Q. And -- strike that. Who made the sales in  
03:07:29 24 1983?

03:07:29 25 A. I did.

03:07:30 1 Q. How about 2001? Did the responsibilities  
03:07:36 2 change relative to the preparation of the books and  
03:07:39 3 records as far as your duties and responsibilities are  
03:07:42 4 concerned?

03:07:42 5 A. No.

03:07:42 6 Q. You were still in charge of the books and  
03:07:44 7 records --

03:07:44 8 A. Yes.

03:07:44 9 Q. -- ultimately; is that correct?

03:07:45 10 A. Ultimately, yes. Obviously I didn't do the  
03:07:49 11 input.

03:07:49 12 Q. Now, in terms of -- you testified that you had  
03:07:51 13 a Mr. Peter Harrop --

03:07:54 14 A. Yes.

03:07:55 15 Q. -- that had some custodial duties relative to  
03:07:57 16 the books and records; is that correct?

03:07:58 17 A. Yes.

03:07:59 18 Q. Who does he work for?

03:08:00 19 A. He works for me.

03:08:01 20 Q. Okay. Who supervises his work?

03:08:03 21 A. I do.

03:08:03 22 Q. Okay. You testified that the company is in the  
03:08:09 23 business of selling jewelry and watches and other items  
03:08:14 24 of -- other goods; is that correct?

03:08:15 25 A. That's correct.



03:08:15 1 Q. How do you record your sales?

03:08:17 2 A. In the computer system.

03:08:19 3 Q. And what -- does the computer system generate

03:08:22 4 something as a result of being -- as a result of you --

03:08:26 5 of the company making a sale?

03:08:27 6 A. Yes.

03:08:27 7 Q. What's that called? What is that document

03:08:31 8 called?

03:08:31 9 A. Invoice, you mean?

03:08:33 10 Q. Yes. It's called an invoice?

03:08:34 11 A. Yes.

03:08:35 12 Q. And how often do you prepare invoices?

03:08:37 13 A. Individual invoices you're talking about?

03:08:40 14 Q. That's correct.

03:08:41 15 A. I mean every time we make a sale.

03:08:43 16 Q. Do you do that daily? Weekly? Annually?

03:08:46 17 A. Daily, hopefully hourly, hopefully sometimes

03:08:51 18 minutes.

03:08:51 19 Q. And then you -- you still make the sales as we

03:08:55 20 sit here today?

03:08:55 21 A. I still make some of the sales. I don't make

03:08:59 22 as many as I used to, but I do, yes.

03:09:00 23 Q. You're daily involved in the sales?

03:09:01 24 A. Daily, yes, I am.

03:09:02 25 Q. And you have people working for you making

03:09:04 1 sales?

03:09:05 2 A. Yes.

03:09:05 3 Q. How many people do you have working for you  
03:09:07 4 making sales?

03:09:08 5 A. Five. I mean there's other people who can  
03:09:12 6 help, too, but five people.

03:09:14 7 Q. And you supervise their daily duties and  
03:09:17 8 responsibilities?

03:09:17 9 A. Jeffrey, who is the president, supervises the  
03:09:21 10 salespeople, but I supervise Jeffrey and them, too,  
03:09:24 11 because I'm on the floor a lot.

03:09:26 12 Q. Okay. Who has the ultimate responsibility to  
03:09:28 13 make sure that the sales are recorded properly?

03:09:31 14 A. I do.

03:09:32 15 Q. And when the IRS comes knocking on the door  
03:09:35 16 wanting to review your books and records, who has  
03:09:38 17 ultimate responsibility to the IRS to make sure the books  
03:09:38 18 and records are correct?

03:09:38 19 A. Me, unfortunately.

03:09:38 20 Q. How about when the controller of public  
03:09:40 21 accounts comes auditing the books and records? Who has  
03:09:44 22 responsibility to them to make sure the books and records  
03:09:46 23 are correct?

03:09:46 24 A. Me.

03:09:47 25 Q. Other than recording sales -- you say you sign

03:09:51 1 the checks?

03:09:51 2 A. Yes, I do.

03:09:52 3 Q. Do you get occasional reports relating to the  
03:09:59 4 sales that the company makes?

03:10:00 5 A. Yes, we do.

03:10:02 6 Q. How frequently do you prepare those reports?

03:10:04 7 A. Those are monthly. Those are total sales, but  
03:10:06 8 I can actually look at them daily, you know. On the  
03:10:09 9 system I can look at the sales day to day or hour to  
03:10:12 10 hour.

03:10:12 11 Q. You review those, yourself?

03:10:13 12 A. Yes, I do.

03:10:13 13 Q. Do you personally -- strike that.

03:10:17 14 A. Sorry. I -- also, we get a report every day  
03:10:20 15 from the assistant to the CFO that will tell us what the  
03:10:25 16 sales are and who sold what.

03:10:26 17 Q. And you review that daily?

03:10:28 18 A. Daily most days, yeah.

03:10:29 19 Q. And you make sure that's correct?

03:10:30 20 A. Correct.

03:10:30 21 Q. And how about on the expense side? Do you get  
03:10:37 22 reports on the expense side to see what money you've  
03:10:39 23 spent?

03:10:39 24 A. Yes.

03:10:40 25 Q. How frequently do you get that?

03:10:41 1 A. That would be monthly.

03:10:41 2 Q. Do you ever get a listing of the checks that  
03:10:43 3 have been written?

03:10:43 4 A. I review all the checks. You know, I review  
03:10:46 5 every check statement. So every bank account is checked  
03:10:49 6 by me.

03:10:49 7 Q. So at the end of the month, the company  
03:10:52 8 prepares a financial statement; is that correct?

03:10:53 9 A. That's correct.

03:10:53 10 Q. What does that consist of?

03:10:56 11 A. Everything a financial statement sells, I mean.

03:11:03 12 Q. Is there a balance sheet?

03:11:04 13 A. Balance sheet.

03:11:05 14 Q. Is there an income statement?

03:11:07 15 A. Income statement, all the titles, yes.

03:11:08 16 Q. What does the income statement show?

03:11:10 17 A. What our sales are.

03:11:11 18 Q. Okay. Does it show -- you know, in terms of  
03:11:13 19 advertising expenses, is that accumulated on a monthly  
03:11:16 20 basis?

03:11:16 21 A. That's correct. It does. It shows the monthly  
03:11:18 22 and then, also, year-to-date.

03:11:20 23 Q. I show you what is marked as Opposer's Exhibit  
03:11:30 24 45 and ask you if you can identify that for me.

03:11:34 25 A. That's --

ORIGINAL ORIGINAL

EXHIBITS TO THE ORAL TESTIMONY OF  
DENIS JOSEPH BOULLE

VOLUME 1 OF 2  
NOS. 1-45 and 88-89

JULY 9, 2008

JULIA E. WHALEY  
Certified Shorthand Reporter



**Int. Cls.: 14, 16 and 35**

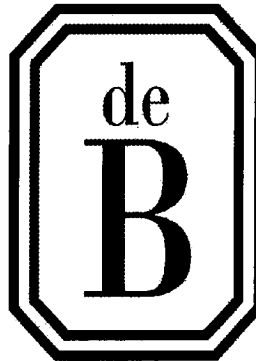
**Prior U.S. Cls.: 2, 5, 22, 23, 27, 28, 29, 37, 38, 50, 100,  
101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,078,627**

**Registered Apr. 11, 2006**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



DE BOULLE DIAMOND & JEWELRY, INC.  
(TEXAS CORPORATION)  
6821 PRESTON ROAD  
DALLAS, TX 75205

FOR: RETAIL JEWELRY STORE SERVICES;  
MAIL ORDER AND ELECTRONIC CATALOGUE  
SERVICES FEATURING JEWELRY., IN CLASS 35  
(U.S. CLS. 100, 101 AND 102).

FOR: JEWELRY, DIAMONDS, WATCHES AND  
TIMEPIECES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND  
50).

FIRST USE 6-30-2001; IN COMMERCE 6-30-2001.

FIRST USE 6-30-2001; IN COMMERCE 6-30-2001.

THE MARK CONSISTS OF THE LETTERS DE IN  
LOWERCASE AND THE LETTER B IN UPPER CASE  
ENCLOSED IN AN OCTAGON.

FOR: FINE ART, NAMELY, PAINTINGS, IN  
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SER. NO. 78-444,907, FILED 7-1-2004.

FIRST USE 6-30-2001; IN COMMERCE 6-30-2001.

ERNEST SHOSHO, EXAMINING ATTORNEY

**OPPOSER'S  
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**Word Mark**  
**Goods and Services**

DE B

IC 014. US 002 027 028 050. G & S: Jewelry, diamonds, watches and timepieces. FIRST USE: 20010630. FIRST USE IN COMMERCE: 20010630

IC 016. US 002 005 022 023 029 037 038 050. G & S: Fine art, namely, paintings. FIRST USE: 20010630. FIRST USE IN COMMERCE: 20010630

IC 035. US 100 101 102. G & S: Retail jewelry store services; mail order and electronic catalogue services featuring jewelry. FIRST USE: 20010630. FIRST USE IN COMMERCE: 20010630

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code**

26.15.02 - Plain single or multiple line polygons; Polygons (plain, single line)  
26.15.20 - Polygons inside one another

**Serial Number**

78444907

**Filing Date**

July 1, 2004

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

January 17, 2006

**Registration Number**

3078627



**Registration Date** April 11, 2006

**Owner** (REGISTRANT) De Boule Diamond & Jewelry, Inc. CORPORATION TEXAS 6821 Preston Road  
Dallas TEXAS 75205

**Attorney of  
Record** Scott T. Griggs

**Description of  
Mark** The mark consists of the letters de in lowercase and the letter B in upper case enclosed in an  
octagon.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead  
Indicator** LIVE

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**Serial Number:** 78444907 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3078627

**Mark**



**(words only):** DE B

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2006-04-11

**Filing Date:** 2004-07-01

**Transformed into a National Application:** No

**Registration Date:** 2006-04-11

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 102

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**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2006-04-11

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. De Boulle Diamond & Jewelry, Inc.

**Address:**

De Boulle Diamond & Jewelry, Inc.  
6821 Preston Road

Dallas, TX 75205  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Texas  
**Phone Number:** (212) 522-2400

### GOODS AND/OR SERVICES

**International Class:** 014  
**Class Status:** Active  
Jewelry, diamonds, watches and timepieces  
**Basis:** 1(a)  
**First Use Date:** 2001-06-30  
**First Use in Commerce Date:** 2001-06-30

**International Class:** 016  
**Class Status:** Active  
Fine art, namely, paintings  
**Basis:** 1(a)  
**First Use Date:** 2001-06-30  
**First Use in Commerce Date:** 2001-06-30

**International Class:** 035  
**Class Status:** Active  
Retail jewelry store services; mail order and electronic catalogue services featuring jewelry.  
**Basis:** 1(a)  
**First Use Date:** 2001-06-30  
**First Use in Commerce Date:** 2001-06-30

### ADDITIONAL INFORMATION

**Description of Mark:** The mark consists of the letters de in lowercase and the letter B in upper case enclosed in an octagon.

**Design Search Code(s):**  
**26.15.02** - Plain single or multiple line polygons; Polygons (plain, single line)  
**26.15.20** - Polygons inside one another

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-16 - Attorney Revoked And/Or Appointed

2007-11-16 - TEAS Revoke/Appoint Attorney Received  
2006-04-11 - Registered - Principal Register  
2006-01-17 - Published for opposition  
2005-12-28 - Notice of publication  
2005-11-30 - Law Office Publication Review Completed  
2005-11-25 - Assigned To LIE  
2005-11-22 - Approved for Pub - Principal Register (Initial exam)  
2005-11-14 - Teas/Email Correspondence Entered  
2005-11-09 - Communication received from applicant  
2005-11-09 - TEAS Response to Office Action Received  
2005-11-08 - NON-FINAL ACTION E-MAILED  
2005-11-08 - Non-Final Action Written  
2005-10-30 - Previous allowance count withdrawn  
2005-10-07 - Withdrawn From Pub - Og Review Query  
2005-08-22 - PAPER RECEIVED  
2005-08-19 - Law Office Publication Review Completed  
2005-08-19 - Assigned To LIE  
2005-08-17 - Approved for Pub - Principal Register (Initial exam)  
2005-08-17 - Previous allowance count withdrawn  
2005-08-15 - Approved for Pub - Principal Register (Initial exam)  
2005-08-09 - Amendment From Applicant Entered  
2005-08-02 - Communication received from applicant  
2005-08-02 - PAPER RECEIVED  
2005-02-06 - Non-final action e-mailed  
2005-02-06 - Non-Final Action Written

2005-02-05 - Assigned To Examiner

2004-07-09 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Scott T. Griggs

**Correspondent**

Scott T. Griggs

Griggs Bergen LLP

901 Main Street, Suite 6300

Dallas TX 75202

Phone Number: 214.653.2400

Fax Number: 214.653.2401



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 8. *What are the implications?*  
 9. *What are the limitations?*  
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Int. Cls.: 14, 16 and 35

Prior U.S. Cls.: 2, 5, 22, 23, 27, 28, 29, 37, 38, 50, 100,  
101 and 102

Reg. No. 3,078,625

**United States Patent and Trademark Office**

Registered Apr. 11, 2006

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**DE BOULLE**

DE BOULLE DIAMOND & JEWELRY, INC.  
(TEXAS CORPORATION)  
6821 PRESTON ROAD  
DALLAS, TX 75205

FOR: RETAIL JEWELRY STORE SERVICES;  
MAIL ORDER AND ELECTRONIC CATALOGUE  
SERVICES FEATURING JEWELRY, IN CLASS 35  
(U.S. CLS. 100, 101 AND 102).

FOR: JEWELRY, DIAMONDS, WATCHES AND  
TIMEPIECES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND  
50).

FIRST USE 12-31-1989; IN COMMERCE 12-31-1989.

FIRST USE 12-31-1989; IN COMMERCE 12-31-1989.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: FINE ART, NAMELY, PAINTINGS, IN  
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SER. NO. 78-444,880, FILED 7-1-2004.

FIRST USE 12-31-1989; IN COMMERCE 12-31-1989.

ERNEST SHOSHO, EXAMINING ATTORNEY

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 ( Use the "Back" button of the Internet Browser to return to TESS)**DE BOULLE**

**Word Mark** DE BOULLE

**Goods and Services** IC 014. US 002 027 028 050. G & S: Jewelry, diamonds, watches and timepieces. FIRST USE: 19891231. FIRST USE IN COMMERCE: 19891231

IC 016. US 002 005 022 023 029 037 038 050. G & S: Fine art, namely, paintings. FIRST USE: 19891231. FIRST USE IN COMMERCE: 19891231

IC 035. US 100 101 102. G & S: Retail jewelry store services; mail order and electronic catalogue services featuring jewelry. FIRST USE: 19891231. FIRST USE IN COMMERCE: 19891231

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 78444880

**Filing Date** July 1, 2004

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** January 17, 2006

**Registration Number** 3078625

**Registration Date** April 11, 2006

**Owner** (REGISTRANT) De Boule Diamond & Jewelry, Inc. CORPORATION TEXAS 6821 Preston Road Dallas TEXAS 75205  
**Attorney of Record** Scott T. Griggs  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Serial Number:** 78444880 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3078625

**Mark**

**DE BOULLE**

**(words only):** DE BOULLE

**Standard Character claim:** Yes

**Current Status:** Registered.

**Date of Status:** 2006-04-11

**Filing Date:** 2004-07-01

**Transformed into a National Application:** No

**Registration Date:** 2006-04-11

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 102

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**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2006-04-11

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. De Boulle Diamond & Jewelry, Inc.

**Address:**

De Boulle Diamond & Jewelry, Inc.  
6821 Preston Road

Dallas, TX 75205

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Texas

**Phone Number:** (212) 522-2400

### GOODS AND/OR SERVICES

**International Class:** 014

**Class Status:** Active

Jewelry, diamonds, watches and timepieces

**Basis:** 1(a)

**First Use Date:** 1989-12-31

**First Use in Commerce Date:** 1989-12-31

**International Class:** 016

**Class Status:** Active

Fine art, namely, paintings

**Basis:** 1(a)

**First Use Date:** 1989-12-31

**First Use in Commerce Date:** 1989-12-31

**International Class:** 035

**Class Status:** Active

Retail jewelry store services; mail order and electronic catalogue services featuring jewelry

**Basis:** 1(a)

**First Use Date:** 1989-12-31

**First Use in Commerce Date:** 1989-12-31

### ADDITIONAL INFORMATION

(NOT AVAILABLE)

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

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2007-11-16 - TEAS Revoke/Appoint Attorney Received

2006-04-11 - Registered - Principal Register

2006-01-17 - Published for opposition

2005-12-28 - Notice of publication

2005-11-30 - Law Office Publication Review Completed

2005-11-25 - Assigned To LIE

2005-11-22 - Approved for Pub - Principal Register (Initial exam)

2005-11-14 - Teas/Email Correspondence Entered

2005-11-09 - Communication received from applicant

2005-11-09 - TEAS Response to Office Action Received

2005-11-08 - NON-FINAL ACTION E-MAILED

2005-11-08 - Non-Final Action Written

2005-10-30 - Previous allowance count withdrawn

2005-10-07 - Withdrawn From Pub - Og Review Query

2005-08-22 - PAPER RECEIVED

2005-08-19 - Law Office Publication Review Completed

2005-08-19 - Assigned To LIE

2005-08-17 - Approved for Pub - Principal Register (Initial exam)

2005-08-17 - Previous allowance count withdrawn

2005-08-15 - Approved for Pub - Principal Register (Initial exam)

2005-08-11 - Amendment From Applicant Entered

2005-08-05 - Communication received from applicant

2005-08-08 - PAPER RECEIVED

2005-08-05 - PAPER RECEIVED

2005-02-06 - Non-final action e-mailed

2005-02-06 - Non-Final Action Written

2005-02-05 - Assigned To Examiner

2004-07-09 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Scott T. Griggs

**Correspondent**

Scott T. Griggs

Griggs Bergen LLP

901 Main Street, Suite 6300

Dallas TX 75202

Phone Number: 214.653.2400

Fax Number: 214.653.2401

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NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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TARR Status	ASSIGN Status	TDR	TTAB Status
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 ( Use the "Back" button of the Internet Browser to return to TESS)**DB**

<b>Word Mark</b>	DB
<b>Goods and Services</b>	IC 014. US 002 027 028 050. G & S: Jewelry, diamonds, watches and timepieces, all for women. FIRST USE: 20001231. FIRST USE IN COMMERCE: 20001231  IC 035. US 100 101 102. G & S: Retail jewelry store services and catalog ordering services featuring jewelry, diamonds, watches and timepieces, all for women. FIRST USE: 20001231. FIRST USE IN COMMERCE: 20001231
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78604056
<b>Filing Date</b>	April 7, 2005
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Owner</b>	(APPLICANT) De Boule Diamond & Jewelry, Inc. CORPORATION TEXAS 6821 Preston Road Dallas TEXAS 75205
<b>Attorney of Record</b>	Scott T. Griggs
<b>Type of Mark</b>	TRADEMARK. SERVICE MARK

**OPPOSER'S  
EXHIBIT 3**

**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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## Assignments on the Web > Trademark Query

**No assignment has been recorded at the USPTO**

**For Serial Number: 78604056**

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1  
Web interface last modified: April 20, 2007 v.2.0.1

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**This page was generated by the TARR system on 2008-07-09 01:05:43 ET**

**Serial Number:** 78604056 Assignment Information Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

**DB**

**(words only):** DB

**Standard Character claim:** Yes

**Current Status:** Further action on the application has been suspended.

**Date of Status:** 2008-02-25

**Filing Date:** 2005-04-07

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 108

**Attorney Assigned:**  
DAWE III WILLIAM H

**Current Location:** L80 -TMEG Law Office 108

**Date In Location:** 2008-02-25

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. De Boulle Diamond & Jewelry, Inc.

**Address:**  
De Boulle Diamond & Jewelry, Inc.  
6821 Preston Road

Dallas, TX 75205

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Texas

**Phone Number:** (212) 522.2400

---

### GOODS AND/OR SERVICES

---

**International Class:** 014

**Class Status:** Active

Jewelry, diamonds, watches and timepieces, all for women

**Basis:** 1(a)

**First Use Date:** 2000-12-31

**First Use in Commerce Date:** 2000-12-31

**International Class:** 035

**Class Status:** Active

Retail jewelry store services and catalog ordering services featuring jewelry, diamonds, watches and timepieces, all for women

**Basis:** 1(a)

**First Use Date:** 2000-12-31

**First Use in Commerce Date:** 2000-12-31

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### ADDITIONAL INFORMATION

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(NOT AVAILABLE)

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-02-25 - Report Completed Suspension Check Case Still Suspended

2007-11-16 - Attorney Revoked And/Or Appointed

2007-11-16 - TEAS Revoke/Appoint Attorney Received

2007-08-17 - Report Completed Suspension Check Case Still Suspended

2007-02-13 - Report Completed Suspension Check Case Still Suspended

2007-02-13 - Assigned To LIE

2006-08-01 - LETTER OF SUSPENSION E-MAILED

2006-08-01 - Suspension Letter Written

2006-08-01 - Amendment From Applicant Entered

2006-06-12 - Communication received from applicant

2006-06-12 - PAPER RECEIVED

2006-05-10 - LETTER OF SUSPENSION E-MAILED

2006-05-10 - Suspension Letter Written

2006-05-09 - Teas/Email Correspondence Entered

2006-05-03 - Communication received from applicant

2006-05-03 - TEAS Response to Office Action Received

2005-11-03 - Non-final action e-mailed

2005-11-03 - Non-Final Action Written

2005-11-03 - Assigned To Examiner

2005-04-14 - New Application Entered In Tram

---

### ATTORNEY/CORRESPONDENT INFORMATION

---

#### Attorney of Record

Scott T. Griggs

#### Correspondent

Scott T. Griggs

Griggs Bergen LLP

901 Main Street, Suite 6300

Dallas TX 75202

Phone Number: 214.653.2400

Fax Number: 214.653.2401

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**OPPOSER'S  
EXHIBIT 4**



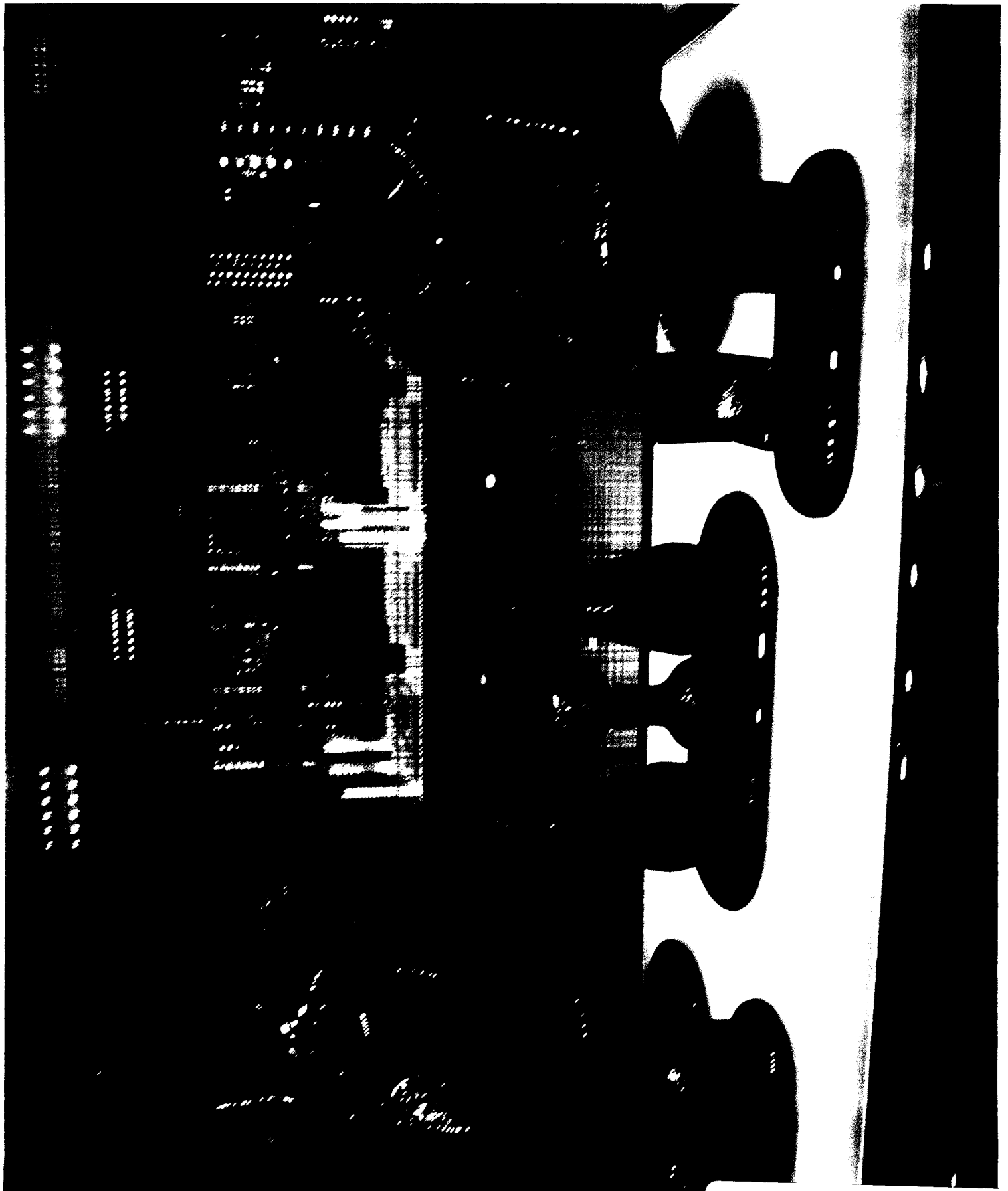


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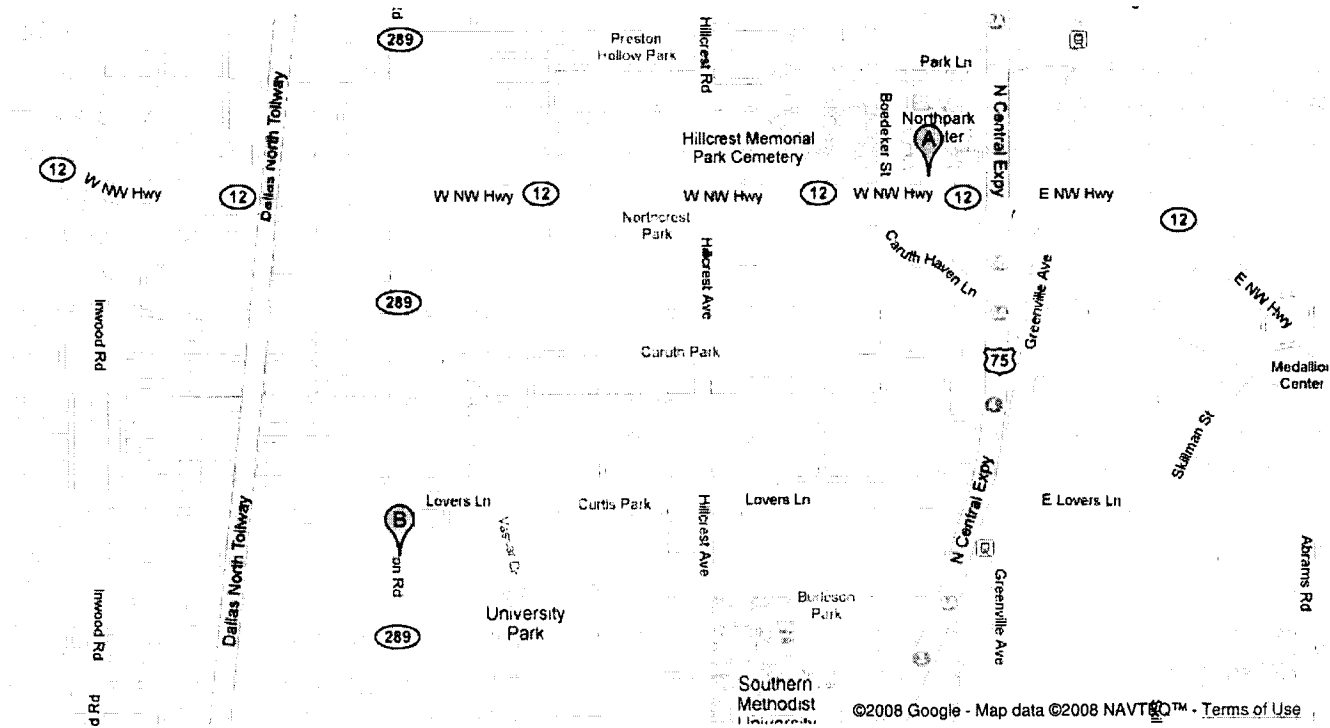
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EXHIBIT 5





OPPOSER'S  
EXHIBIT 6





**Northpark Center**

Drive: 3.0 mi – about 9 mins

- 1. Head **south** on **Northpark Center** toward **W NW Hwy** 308 ft
- 2. Turn **right** at **W NW Hwy** 1.7 mi
- 3. Turn **left** at **Preston Rd** 1.2 mi

**6821 Preston Rd**  
6821 Preston Rd, Dallas, TX

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00498

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OPPOSER'S  
EXHIBIT 10



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OPPOSER'S  
EXHIBIT 11





OPPOSER'S  
EXHIBIT 12









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29 Total Matches

Select an item to view

SCGE01001	PSACJ1000	X40FE1000
18 karat white gold, 1.00 carat diamond and 7.00 carat sapphires ring.	0.4-10.0mm pearl choker with 18 karat yellow gold clasp of crystal heart with heart shape ruby in center. Diamonds on pontiac...	Estimate 18 karat yellow gold 5.80 carat ruby and approximately 2.60 carat total weight round diamond ring.
Designer: deBoulle	Designer: deBoulle	Designer: deBoulle
\$22,900.00	\$21,260.00	\$19,500.00
16GEHC1000	BAJH1000	E4EE01000
Platinum 4.23 carat diamond earrings.	Handcrafted fish pen set with 77.0 carat oval in 18 karat yellow gold. Accented with approximately 0.65 carat total weight d...	18 karat yellow gold 5.48 carat total weight emerald and 0.46 carat total weight diamond earrings.
Designer: deBoulle	Designer: deBoulle	Designer: deBoulle
\$19,345.00	\$18,000.00	\$12,000.00
RCD401001	MCEFR1001	SAEHR1000
18 karat white gold ring with 3.20 carat oval sapphire set between pave diamond bars.	18 karat white gold 3.32 carat diamond earrings. Earrings dangle with 2 square shapes connected by 1 bezel set round diamond...	Classic top earrings designed with three rows of 4.46 carat total weight round sapphires and 1.54 carat total weight diamond...
Designer: deBoulle	Designer: deBoulle	Designer: deBoulle
\$12,000.00		



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OPPOSER'S  
EXHIBIT 15

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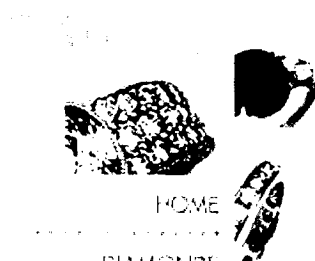


Over the years the fine designers and craftsmen at deBoulle™ have created the exquisite deBoulle Collection™, which can be viewed below. Every piece of fine jewelry we sell is guaranteed against defects in workmanship and materials. All of which combined is presented to you for your unique shopping pleasure. You may view our collection of fine jewelry below, or search our inventory for the selection of your choice.

28 Total Marchez		Select an item to view	
<b>MSBEC1001</b>		<b>ERGED1000</b>	
Platinum 1.83 carat diamond and onyx earrings.	Designer: deBoulle	18 karat yellow gold domed emerald and diamond ring. 1.43 carat total weight cabochon emeralds and emeralds and weight p ...	Designer: deBoulle
\$5,160.00			
<b>PGACI1001</b>		<b>ECBEC1000</b>	
14 karat yellow gold 8 1/2-inch 18 inch colored pearl strand with 14 karat yellow gold eye shape clasp.	Designer: deBoulle	Emerald and diamond earrings crafted in 18 karat white gold featuring 2.00 carat total weight marquise emeralds ...	Designer: deBoulle
\$5,500.00			
<b>GAHNN1003</b>		<b>MAEER1001</b>	
18 karat yellow gold 8 link necklace. 17 inch triple figure 8s with oval connectors. 64.40 grams.	Designer: deBoulle	Hoop style earrings in 18 karat yellow gold accented with 0.63 carat total weight diamonds centered in star motifs.	Designer: deBoulle
\$5,250.00			
<b>RIGED1000</b>		<b>CYANN1030</b>	
Wide platinum and 18 karat yellow gold band featuring three oval cabochon rubies.	Designer: deBoulle	18 karat yellow gold oval slightly domed ring outfields. Domed crystal over mother of pearl back grained with picture of pearl.	Designer: deBoulle
\$5,000.00			
<b>SCGEC1000</b>			
Sapphire and diamond dome style ring.	Designer: deBoulle		
\$4,819.00			



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Selected item detail :

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EAGED1000

18 karat yellow gold domed emerald and diamond ring. 1.42 carat total weight cabochon emeralds and 1.01 carat total weight pave set diamonds.

Designer: deBouille

\$5,600.00

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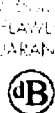
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Selected item details

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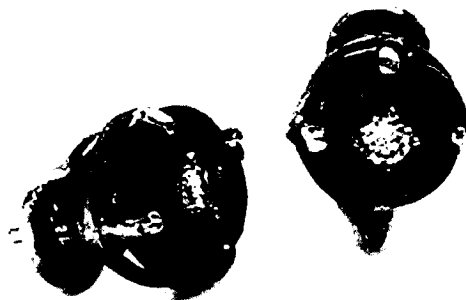
## ECEEC1000

Emerald and diamond earrings crafted in 18 karat white gold featuring 2.03 carat total weight marquise emeralds and 0.27 carat total weight diamonds.

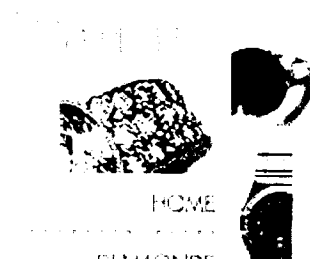
Designer: deBoule

\$5,100.00

JEWELERS GOLD

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DEBOULE  
DIAMOND & JEWELRY  
GUARANTEE

Selected item detail:

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RIGED1000

Wide platinum and 18 karat yellow gold band featuring three oval cabochon rubies totaling .65 carat, accented by 0.65 carat total weight round diamonds.

Designer: deBoule

\$5,000.00

JEWELLERY GUIDE

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29 Total Matches

Select an item to view.

SCGEO1001

18 karat white gold, 1.06 carat diamond and 7.00 carat sapphire ring.



PGACJ1000

9.5-10.0mm pearl choker with 18 karat yellow gold clasp of crystal heart with heart shape ruby in center. Diamonds on connec ...

XAOFD1000

Estate 18 karat yellow gold 5.60 carat ruby and approximately 2.50 carat total weight round diamond ring.

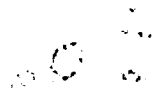


Designer: deBoulle

\$32,000.00

MGEHC1000

Platinum 4.23 carat diamond earrings.



Designer: deBoulle

\$21,250.00

BAJIN1000

Handcrafted fish pin set with 77.0 carat opal in 18 karat yellow gold. Accented with approximate 0.65 carat total weight di ...



Designer: deBoulle

\$19,500.00

EAEED1000

18 karat yellow gold 6.58 carat total weight emerald and 0.46 carat total weight diamond earrings.



Designer: deBoulle

\$18,345.00

RCDAO1001

18 karat white gold ring with 3.20 carat oval sapphire set between pave diamond bars.

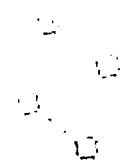


Designer: deBoulle

\$18,000.00

MCEFR1001

18 karat white gold 2.32 carat diamond earrings. Earrings dangle with 2 square shapes connected by 1 bezel set round diamond. ...



Designer: deBoulle

\$12,000.00

SAEHR1000

Classic loop earrings designed with three rows of 4.46 carat total weight round sapphires and 1.54 carat total weight diamond ...



Designer: deBoulle

\$12,000.00

Designer: deBoulle

\$8,850.00

Designer: deBoulle

\$7,685.00

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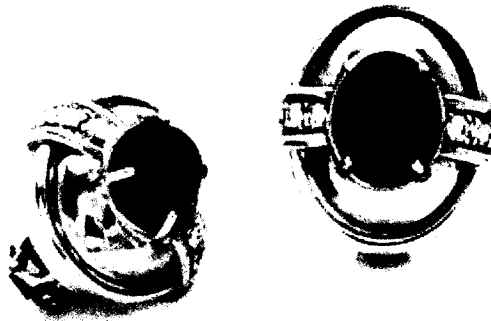
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EAEED1000

18 karat yellow gold 6.58 carat total weight emerald and 0.46 carat total weight diamond earrings. Design features oval cabochon emeralds accented with platinum and round diamonds.

Designer: deBoulle

\$12,000.00



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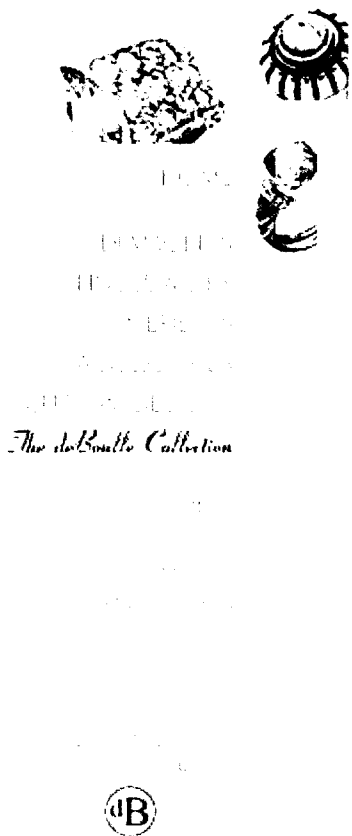
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EAGED1000

18 karat yellow gold domed emerald and diamond ring. 1.42 carat total weight cabochon emeralds and 1.01 carat total weight pave set diamonds.

Designer: deBoulle

\$5,600.00

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[About Emeralds](#)

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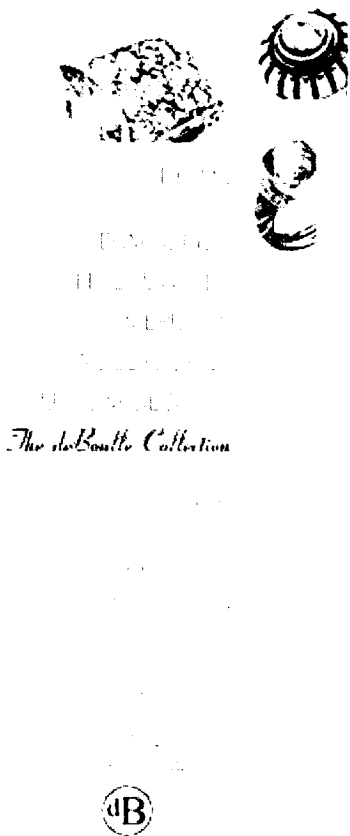
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EMERALD EARRINGS

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ECEEC1000

Emerald and diamond earrings crafted in 18 karat white gold featuring 2.03 carat total weight marquise emeralds and 0.27 carat total weight diamonds.

Designer: deBoulle

\$5,100.00



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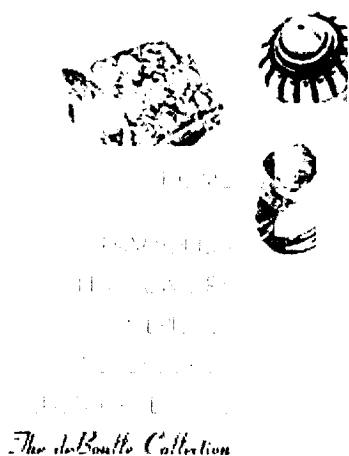
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18 karat yellow gold 8 link necklace

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GAHNN1003

18 karat yellow gold 8 link necklace. 17 inch triple figure 8s with oval connectors. 84.40 grams.

Designer: deBoulle

\$5,250.00



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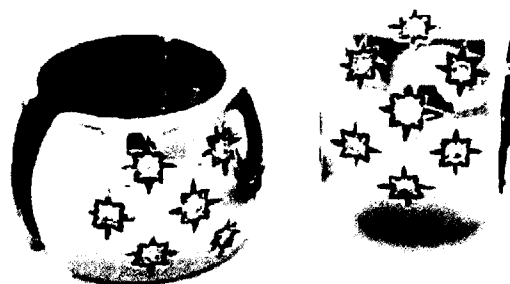
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MAEER1001

Hoop style earrings in 18 karat yellow gold accented with 0.53 carat total weight diamonds centered in star motifs.

Designer: deBoulle

\$5,200.00



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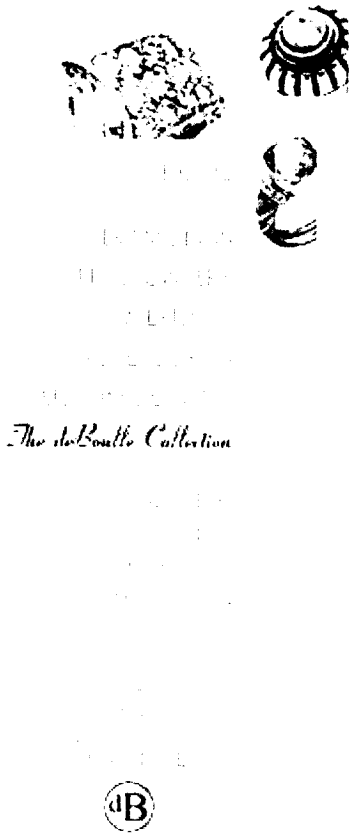
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DB 0018

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18 karat white gold 2.32 carat diamond earrings

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MCEFR1001

18 karat white gold 2.32 carat diamond earrings. Earrings dangle with 2 square shapes connected by 1 bezel set round diamond. Square shape with 1 princess cut diamond in center with round diamonds pave set around edge. Detachable.

Designer: deBoulle

\$8,850.00

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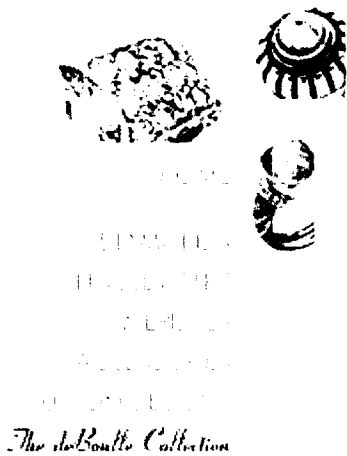
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MGEGC1001

Platinum 1.83 carat diamond and onyx earrings. Slight loop with pave diamond center with border of onyx and platinum. Channel set baguettes middle of onyx.

Designer: deBoulle

\$6,160.00



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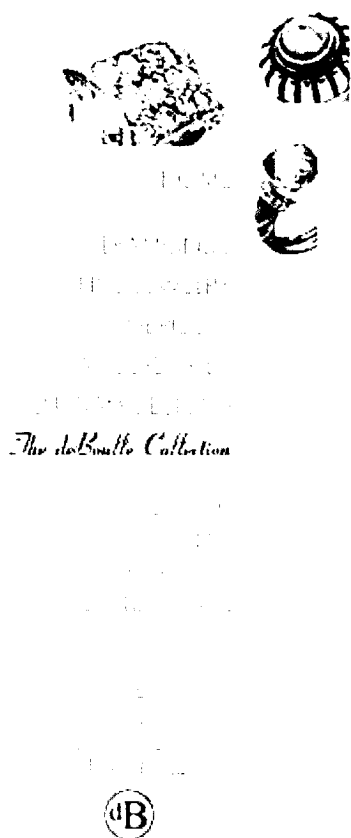
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Home > Earrings > MGEHC1000

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MGEHC1000

Platinum 4.23 carat diamond earrings. Eye shape with 4 princess cuts in center, 4 marquise in butterfly shapes top and bottom, 2 princess cuts at tips, both sides channel set straight baguettes.

Designer: deBoulle

\$18,345.00

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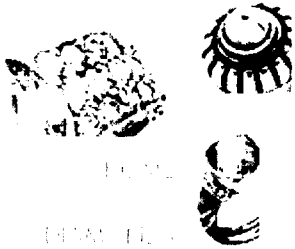
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PGACI1001

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PGACI1001

14 karat yellow gold 8.5-9mm 16 inch cultured pearl strand with 14 karat yellow gold eye shape clasp.

Designer: deBoulle

\$5,500.00



[Pearl Fashion Tips](#)

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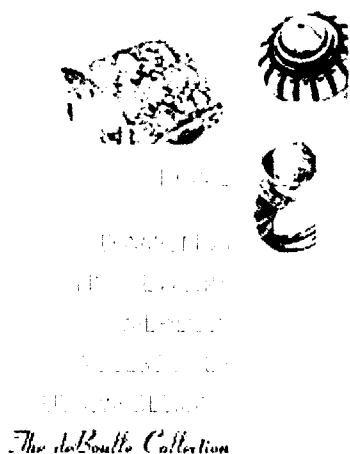


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PGACJ1000

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PGACJ1000

9.5-10.0mm pearl choker with 18 karat yellow gold clasp of crystal heart with heart shape ruby in center. Diamonds on connectors.

Designer: deBoulle

\$21,250.00

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18 karat yellow gold Mobe pearl earrings

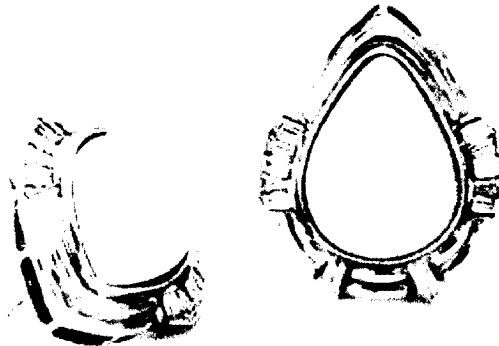
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PICNN1000

18 karat yellow gold Mobe pearl earrings featuring bezel set pear shape Mobe pearls accented with straight and tapered diamond baguettes.

Designer: deBoulle

\$4,500.00



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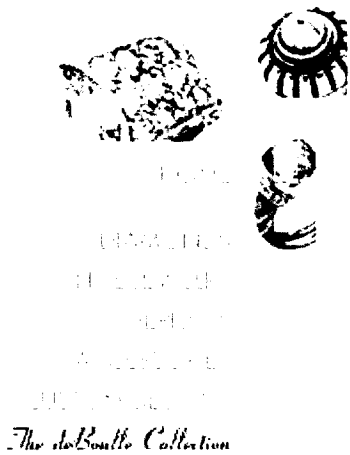


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RCD AO1001

18 karat white gold ring with 3.20 carat oval sapphire set between pave diamond bars with diamonds continuing down shank. 0.86 carat total weight diamonds.

Designer: deBoulle

\$12,000.00

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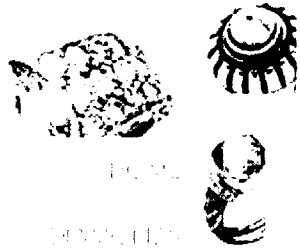
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RIGED1000

Wide platinum and 18 karat yellow gold band featuring three oval cabochon rubies totaling .65 carat, accented by 0.65 carat total weight round diamonds.

Designer: deBoulle

\$5,000.00

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[About Platinum](#)

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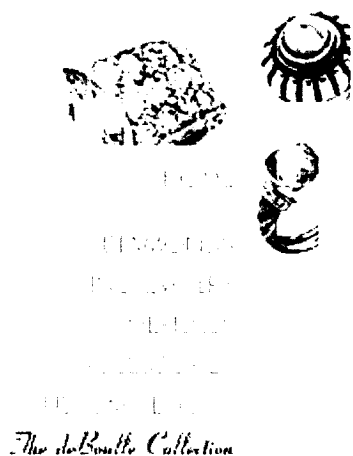
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SAEHR1000

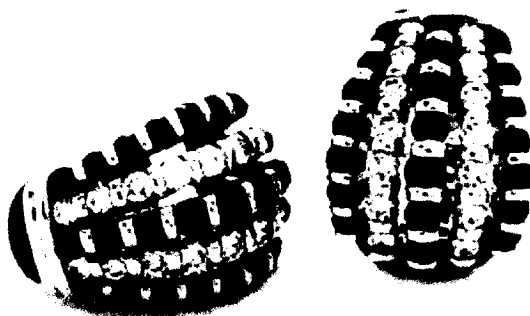
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SAEHR1000

Classic loop earrings designed with three rows of 4.46 carat total weight round sapphires and 1.54 carat total weight diamonds all set in 18 karat yellow gold.

Designer: deBoulle

\$7,685.00



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[Understanding the 4 C's](#)

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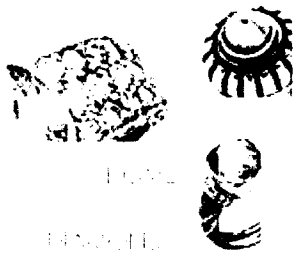
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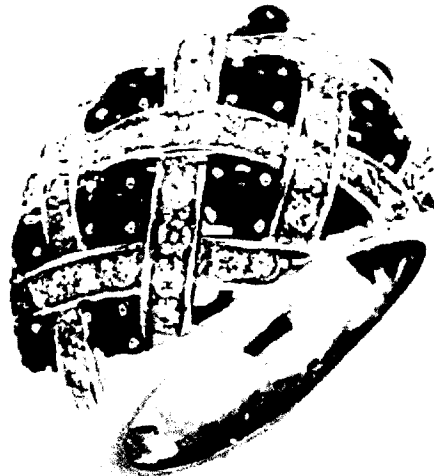
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SCGEC1000

Sapphire and diamond dome style ring. 18 karat white gold woven pattern set with 1.30 carat total weight cabochon sapphires in open spaces and 1.01 carat total weight pave set diamonds.

Designer: deBoulle

\$4,610.00

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SCGEO1001

18 karat white gold, 1.06 carat diamond and 7.00 carat sapphire ring. Dome ring with oval sapphire in center flanked by 2-princess cut diamonds, pave set diamond edge, shank has 5 rows pave diamond half way. Duty including retail.

Designer: deBoulle

\$32,000.00

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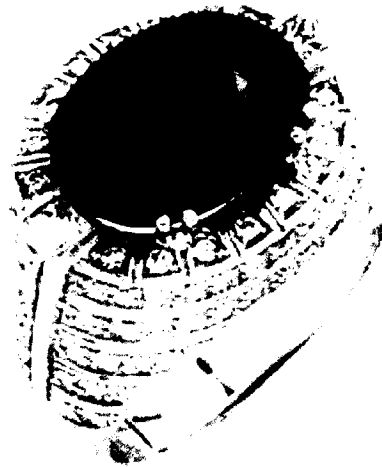
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XAOFD1000

Estate 18 karat yellow gold 5.60 carat ruby and approximately 2.50 carat total weight round diamond ring featuring a center bezel set oval cabochon ruby accented with pave set diamonds.

Designer: deBoulle

\$19,500.00

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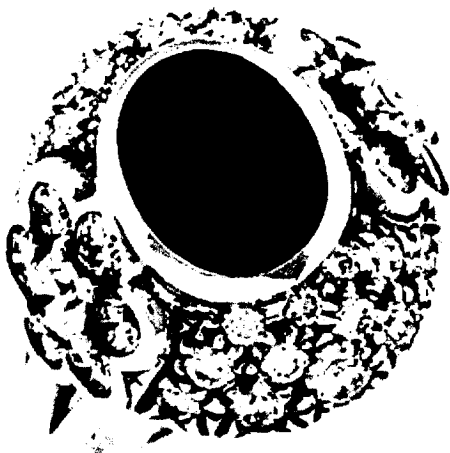
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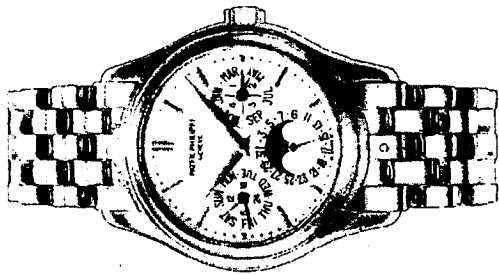
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